

DEBATES OF
THE LEGISLATIVE ASSEMBLY
OF UNITED CANADA

VOLUME XIII

PART VI

1856



Digitized by the Internet Archive
in 2021 with funding from
University of Toronto

<https://archive.org/details/31761114653017>

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Centre de recherche en histoire/History Research Centre

DEBATES OF
THE LEGISLATIVE ASSEMBLY
OF UNITED CANADA

VOLUME XIII, PART VI

1856

Edited by
Danielle Blais

CENTRE DE RECHERCHE EN HISTOIRE (CRH)
HISTORY RESEARCH CENTRE (HRC)
Concordia University, 1455 de Maisonneuve Blvd. West, ER 301-1
Montréal, Québec H3G 1M8

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Published under the direction of the

HISTORY RESEARCH CENTRE
CENTRE DE RECHERCHE EN HISTOIRE

Room ER 301-1, Concordia University, Sir George Williams Campus
Montréal, Québec
H3G 1M8

Executive Committee

Jack Bumsted (University of Manitoba)

Ramsay Cook (York University)

Jean Hamelin (Université Laval)

Peter Waite (Dalhousie University)

Jean-Pierre Wallot (Directeur, Archives du Canada)

The research funds for the reconstruction of the *Debates of the Legislative Assembly of United Canada* have been provided by the Social Sciences and Humanities Research Council of Canada. This Volume has been published with the help of a grant from the Canadian Federation for the Humanities and the Social Science Federation of Canada, using funds provided by the Social Sciences and Humanities Research Council of Canada, and with a grant from The Ontario Heritage Foundation, an agency of the Ministry of Culture and Communications for the Province of Ontario.

ACKNOWLEDGMENTS

Jeannot Blackburn, Marie-Michèle Cholette, Erika Johnson, Pamela Lee, Lorraine Payette and Claire Samson assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

TABLE OF CONTENTS

ADDENDUM TO NEWSPAPER TABLE	ix
SATURDAY, 7 JUNE 1856	2457
MONDAY, 9 JUNE 1856	2486
TUESDAY, 10 JUNE 1856	2526
WEDNESDAY, 11 JUNE 1856	2563
THURSDAY, 12 JUNE 1856	2595
FRIDAY, 13 JUNE 1856	2636
SATURDAY, 14 JUNE 1856	2660
MONDAY, 16 JUNE 1856	2661
TUESDAY, 17 JUNE 1856	2698
WEDNESDAY, 18 JUNE 1856	2726
THURSDAY, 19 JUNE 1856	2761
FRIDAY, 20 JUNE 1856	2797
SATURDAY, 21 JUNE 1856	2818
MONDAY, 23 JUNE 1856	2825
INDEX OF PROPER NAMES	2851

ADDENDUM TO NEWSPAPER TABLE

The Introduction to Volume XIII, found in Part I, includes a list of 16 newspapers used in the reconstitution of the Debates of the Session of 1856. For the Debates of Volume XIII, Part VI, the following information also applies:

NEWSPAPERS	ORIGIN OF REPORTS
HAMILTON SPECTATOR SEMI-WEEKLY	Sometimes original, but mostly copied the <i>Globe</i> and the <i>Toronto Daily Leader</i> .
LA MINERVE	Did not provide any verbatim reports.
LE PAYS	Did not provide any verbatim reports.
MONTREAL GAZETTE	Mostly copied the <i>Globe</i> .

SATURDAY, 7 JUNE 1856¹

(579)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Valois*, — The Petition of *Joseph Chaurette* and others, of the Parish of *St[e]. Geneviève*; the Petition of *Theodore Létang* and others, of the Parish of *St. Joachim de la Pointe Claire*; the Petition of *Damase Paquin* and others, of the Parish of *St. Raphaël*; and the Petition of *Eusèbe Viau* and others, of the Parish of *St. Laurent*.

By Mr. *Daly*, — The Petition of the Municipality of the Townships of *Logan, Elma*, and *Wallace*; and the Petition of the Municipality of the Township of *Blanchard*.

By Mr. *Brown*, — The Petition of the Municipality of the Township of *Osnabruck*; the Petition of the Municipality of the Township of *North Easthope*; the Petition of the Reverend *Alexander McLean*, on behalf of the Members of the *East Puslinch* Presbyterian Congregation; the Petition of *Alexander Clark* and others, Members of the Presbyterian Congregation of *Grafton*, Township of *Haldimand*; and the Petition of the Reverend *Robert Wallace* and others, Members of the Presbyterian Church of *Ingersol*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Municipality of the Township of *Goderich*; praying for certain amendments to the Assessment Law of *Upper Canada*.

Of the Municipality of the Parish of *La Visitation de L'Isle du Pads*; praying that the Town of *Sorel* may be made the chief place of the Judiciary District of *Berthier*.

(580)

Of *Alexander Moffat* and others, of the County of *Renfrew*; setting forth, that on the 23rd of May last, an extensive conflagration produced great losses and distress through a large portion of the County of *Renfrew*, and praying for a grant of money to alleviate the sufferings thereby occasioned.

MR. FELLOWES moved that ... [the] petition of Alexander Moffatt, praying for aid for the relief of sufferers by the fires about Pembroke, be referred to the Committee of Supply.²

The motion was opposed, on the ground that any measure to grant money must originate by a message from his Excellency.³

MR. AT. GEN. CARTIER gave the house to understand that the matter would be taken up by the Government⁴.

The motion was withdrawn.⁵

(580)

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend and consolidate the several Acts incorporating and relating to the Bank of *Montreal*;" and the same were read, as follow: —

Page 7, line 42. Leave out "or Officer."

Page 8, line 2. After "are" insert "*bona fide*." After "payable" insert "at a place" and leave out from "Province" to "different."

Page 8, line 4. Leave out from "discount" to "not," and insert "receive or retain an amount."

Page 8, line 6. Leave out from "the" to "expenses."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. *Holton* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

On motion of Mr. Solicitor General *Smith*, seconded by the Honorable Mr. Attorney General *Cartier*,

Resolved, That from and after Monday next, when this House doth adjourn, it will adjourn until the following day at Twelve o'clock, noon.

MR. FERRES presented the Majority Report of the Committee appointed to investigate the charges preferred by Attorney General Macdonald against Mr. George Brown while acting as Secretary of the Penitentiary Commission.⁶

MR. WILSON said — Before this Report, just read, is laid upon the table, with the permission of the house, I will trespass a little on its patience. When you call to your recollection, sir, the profound sensation which thrilled through this house when the charges were made which formed the subject of this Report, and when you remember that the simple enquiry committed to the Committee was whether the charges were true or not, you were doubtless led to expect, and this house and this country were led to expect, an explicit answer; and for this very obvious reason, that gentlemen on all sides conceded at once, that, gross crimes having been charged against a leading member of this house, by the highest legal authority of the Government in it, if they were true, the honor of this country required, on the one hand, the expulsion from its walls of him who was guilty; or on the other, that if he, who had solemnly pledged to prove true crimes so atrocious, failed to do it, he was, at the very least, unworthy of a place in the Council of his Sovereign's Representative. You will recollect, sir, that the charges had reference to the hon. member for Lambton in his capacity of Commissioner and Secretary of the Penitentiary Commission⁷, [that he] had been charged with having recorded falsely the evidence taken before the Commissioners — with having altered the evidence after it was taken down — with having subpœn[a]ed witnesses to commit perjury, and with having obtained the pardon of convicts to induce them to commit perjury.⁸ The committee, which has just reported, were bound to find whether these allegations were true or false; and he [Mr. Wilson] maintained that the report did not give satisfactory information; and, indeed, the report insinuates that there were no just charges against Mr. Brown.⁹

MR. SICOTTE the SPEAKER. — I beg to interrupt the hon. member. If the object is to prevent the bringing up of the report now, so as to obtain an instruction from this house to that committee to report the minority report, it would be better not to go into the merits of the majority report at present.¹⁰

MR. WILSON said he was not aware that in stating the reasons which had induced part of the committee to adopt the minority report rather than that which does not express any opinion, he should be out of order. The House will see that the report which has been submitted does not fulfil the reference. Mr. Brown was charged with [having] recorded falsely the evidence taken before the commissioners, — with having altered the evidence after it was taken down, — with having suborned witnesses to give evidence, and with having obtained the pardon of convicts to induce them to commit perjury. In regard to the first of these, that Mr. Brown had recorded falsely the evidence taken before the commissioners¹¹, the report states, "that the testimony reported by the said commissioners is not the true testimony given before them; they are further of opinion that to persons such as the witnesses brought before your committee, acquainted with the complete evidence as really given, it would appear that if the evidence reported by the Commissioners was the evidence written down by their Secretary, there was a falsification. But how far Mr. Brown, who conducted the affairs of the Commission, and, in fact, was the Secretary also, was to blame separately from his colleagues, your Committee express no opinion." Sir, no one can fail to see that the very statement of the fact in this report — the very comparison instituted — admits that the written evidence was not falsified; for it assumes it as the standard of comparison, and implies that the report was the falsification.¹² This House did not understand that Mr. Macdonald referred to the report when he made the charges. It was to the written evidence which Mr. Brown, as Secretary took down, and which he as secretary changed and altered; it was not the positive report because that was the

act of the commission; but the written evidence which was taken by him as Secretary.¹³ But who made that report? Was it Mr. Brown or the Commissioners? Let us refer to the circumstances under which it was made. It appears that Mr. Brown, at the request of the Commissioners, and with the partial assistance of some of them, prepared a draft report, which was submitted to the Commissioners — discussed by them, clause by clause — and modified, so as to embody their unanimous opinion; that the Commissioners selected such parts of the evidence as were to be quoted, and the draft report pointed out the parts thus selected, and which were to be embodied in the report, as sustaining the particular charges found; that the whole evidence was not quoted, nor intended to be so, but such parts only as the Commissioners considered material to their finding on the charges; that all this was the joint act of the Commissioners, of whom the Secretary was one, and the quotation marks and asterisks showed clearly that all the evidence was not quoted. But the real matter of complaint to which the term falsification has been so vaguely applied, was this — that more of the evidence should have been quoted than was quoted, and that, if it had been so quoted, it would have extenuated the conduct of Mr. Smith. The quoting or not quoting any part of the evidence in the report, was [a] matter of discretion with the Commissioners, and was an act for which they were responsible, if they suppressed the truth; but in no sense of the term can it be called “recording falsely the evidence” or “falsifying it, after it had been subscribed.” Can you, sir, imagine by what process of reasoning it can be affirmed, that because such portions only of the evidence as the Commissioners thought material were quoted in their report, that this was a falsification of the original evidence by the Secretary? In testimony taken by persons well versed in the rules of evidence, it frequently — nay, almost always — happens that portions of it are not only irrelevant, but not evidence at all; and could anyone say, that in pronouncing judgment, a judge had falsified the written testimony because in his judgment he had quoted as relevant, only portions of it? But, sir, if this very mode of treating evidence occurs every day with eminent Judges, can it even be cast as a reflection upon men, not professionally skilled in taking evidence or in adjudicating upon it, that they did this? A fair test, for trying whether the evidence not quoted is relevant or not, or whether there has been a “*suppressio veri*,” is to read what has not been quoted, with what has, and to ask whether a different conclusion can be arrived at? Now, I ask any one to take up this evidence and read it all, and say if he arrives at any conclusion different from that of the Commissioners. But evading the ground of enquiry, the report goes on to say “how far Mr. Brown was to blame separately from his colleagues your committee express no opinion.” They are prepared to have it understood, that the Commissioners suppressed part of the evidence in the report, they are prepared to say, that if this is compared with the original it will be found not to agree, they are prepared to reiterate that this is a falsification by the Commissioners, but what share Mr. Brown had in it they cannot say. I say, sir, the report does not determine the very matter referred to, and ought to be recommitted. But, sir, in treating of the third charge the report says, “that nearly all the witnesses being officers of the Penitentiary who had given evidence in favour of Mr. Smith were dismissed, and several who had been dismissed by the Warden were reinstated after having given their evidence against him.” Subornation of perjury implies two things, inducement to commit, and the commission of perjury. A man not otherwise willing may be induced to disclose what he knows to be true; but the dullest intellect cannot fail to distinguish between inducement to speak truth and consideration for doing it; and inducement to swear falsely and consideration for doing it. Now it is not even insinuated that any of the officers or convicts named were induced to swear to what was untrue, or did swear to what was untrue. And with regard to the last charge, a reference to the communications with the Government will show, that the committee have overlooked the very cases to which they refer. But the report ought not to be received on another ground.¹⁴ The committee were not called upon to give any opinion as to what grounds Mr. Macdonald had for making his charges.¹⁵ [The report] affects to censure Mr. Attorney Gen. Macdonald and says, he was wrong in making these charges when and where he did. Was the committee authorized to express any opinion on this point? What had it to do with this? If the charges were true, he had a right to make them, when and where he chose. If they were not true, the inferences and the consequences as to him were irresistible, but not the less so that they were made in this house.¹⁶ A charge should not be sustained

by inferences. A person called upon to say whether a man was guilty or not guilty, should say he is guilty or not guilty. The falsification, in effect, upon the whole is this: the hon. gentlemen who composed that commission found certain charges made: they get [sic] evidence to sustain them: they might have got less or more: but they got as much as in their discretion was necessary to set forth the merits of the case. But Mr. Brown, as one of the commissioners and as the secretary, had nothing to do with it apart from the commissioners. The whole charge was, that Mr. Brown as Secretary, had gone out of his way to falsify the evidence while it was being taken, falsified it after it was taken, and used base and criminal means to criminate the parties; and yet the report does not find him guilty — nor does it say that he is not guilty.¹⁷ In conclusion, sir, because the report does not follow the reference, and does not inform this house whether the charges be true or not, and because it is a fundamental principle that every man put upon his trial, shall be declared guilty or not, I move that the report be not now received, but recommitted to bring in the minority report appended to the proceedings submitted to this house.¹⁸

MR. FERRES begged to call the attention of the House to the fact, that there were two minority reports, and it would be better to say which of them was meant.¹⁹

MR. SOL. GEN. H. SMITH. — It will be in the recollection of the House, that when this Committee was moved, it was moved at the instance of the hon. member for Lambton, and the proceedings of the Committee have been conducted, I think, with that deliberation and care which was required. Now, the hon. member who has first made this motion, and who appears to have been one in the minority of that Committee, is anxious to place upon record a Report, which would lay down his views upon the whole question. I certainly think that the precedent would be a dangerous one if it was established, because there is no use in this house referring questions to Committees, if the Report of a minority of that Committee was to be accepted by this house. (Hear, hear.) The hon. member for Lambton cries “hear, hear. — ”²⁰

MR. BROWN. — I never spoke.²¹

MR. SOL. GEN. H. SMITH. — Well, I take it in this case that the Report of the Committee must be received by the house. If the Committee has not gone so far as the hon. member for London contends for, that is not the business of the house. The Committee are the best judges of how far they should go in substantiating or rejecting the charges; but I must take exception to an observation made by the hon. member for London, whose address to the house savours more of the speech of a learned counsel, conducting a case at Nisi Prius, than otherwise (hear, hear;) because he comes here before the house, and attempts by subtlety to show that, because Mr. J.A. Macdonald made a charge against Mr. Brown, which charge was connected with the original evidence as taken, he says, that instead of that charge being substantiated, the charge should be, that a copy of the original evidence was falsified. It does not matter whether one or the other was falsified. The copy has the same effect as the original, and I can see no difference between them.²²

MR. WILSON. — I was anxious that this house should understand upon what footing the Committee applied the word “falsification” to the evidence; and I was desirous of stating it as a simple matter of fact. Now I stated this not as part of the evidence, but as matter of fact, that the falsification complained of was that the whole evidence had not been quoted, and that what was quoted was falsified, merely because that the whole was not given. I believe that that is the whole view of the matter. I have no feeling in the matter at all. I want to state this as matter of fact, and no more.²³

MR. SOL. GEN. H. SMITH. — The Committee have made a Report which to me clearly lays down this fact that they find that the evidence which has been taken and furnished to the Government was a falsification of the original evidence. It means nothing more than that a majority of the members of that Committee have found this. The finding of the Committee appears to be tantamount to this,

that while, on the one hand, that original evidence has been produced, that that which should have been a true copy has been falsified. The house should take care not to receive the Report of a minority. If it does it in this case it will be obliged to do it in others, and if such Reports are to be received no determination can be obtained by the appointment of Committees.²⁴

MR. SANBORN. — I think that the question is, whether this Committee has reported at all to the satisfaction of the house, and according to the instructions given. I apprehend that certain duties devolve upon all special committees²⁵, but ... whatever might be the views of hon. gentlemen in this House upon the merits of the question, they ought to be unanimous in this; that the Committee should answer directly upon the matter referred to them for investigation.²⁶ In a distinguished Parliamentary authority I find this relating to Select Committees, "That a Select Committee of the Whole House are restrained from considering matters not specially referred to them, and if it is thought necessary to extend their enquiry upon the matter referred to them by the house, a special application is necessary to the house."²⁷ (Hear, hear.) Mr. Freer's Treatise upon the practice of committees with reference particularly to committees upon Private Bills, but which relates to special committees also, says, "It is no less important that committees should keep in view the necessity of confining themselves strictly within the order of reference made upon the points, or within the facts expressed upon the committal of the Bill to them." Now, there is nothing clearer to me than that this committee have given no answer at all to this house upon the subjects referred to them. This was urged very strenuously in committee as a question of their duties, as a question with regard to which they ought not to have any difference of opinion, that it was a question upon which the rules of law were distinct. There were four charges referred to that committee preferred by Attorney General Macdonald against Mr. George Brown, in which the character of an honourable member of this house is brought into question in a manner calculated, if the charges were true, not only to cast a stain upon his character but absolutely to ruin him for life. It is a question of the very deepest importance, not only to him, but to the country, in maintaining that the truth be ascertained in regard to those charges. I apprehend that as to the propriety of making those charges, that that must be decided upon the fact whether they were true or false. If they were true, then of course Mr. Attorney General Macdonald was correct in presuming, as he did, to make them in his seat in the house. If they are not true, however much lenity or indulgence may be shown to him for remarks made by him in the heat of debate, still I apprehend that no declaration of this house can be made that any hon. member can be justified in making charges of such a nature against an honourable member of this house, unless there are means of sustaining them. The Committee have gone into this investigation, and the Report which the minority, viz., the honourable member for London and myself, have sustained, meets those charges directly. There are four charges made against Mr. Brown; and, I apprehend that if you put the interrogatories in this way, "Is the Record falsified?" that the Committee are bound to answer that. "Has the evidence been falsely recorded?" That is the first charge. The Committee are bound to answer that question, yea or nay. (Hear, hear.) Now, I refer to the Report brought in; and I appeal to the gentlemen of the law in this house, who will merely look to the ordinary construction of language, and say, is there any answer to that question? Is it stated, "yes" or "no," whether the evidence is falsely recorded? It is not. The only thing stated in that report is, an insinuation²⁸ that neither affirms nor denies the accusation. (Hear, hear.)²⁹ Now, we are not to deal with the characters of men in a manner which would cast upon them an insinuation which we dare not assert. There is nothing in the ordinary investigations of Courts of Justice which would justify a proceeding like this. How would it appear, either in reason or common sense, that the law can be such that when a man is accused of any crime, and is placed at the bar to answer before a jury of his countrymen, that the jury should be permitted to say, not that he is either innocent or guilty, but coming with something like this insinuation; something which neither says one nor the other. It is against the spirit of all law and every sound principle applied to such subjects. I apprehend then that the Committee ought not to have said that "admitting that the Record of evidence originally written was correct, that the collation of this testimony made by the Commissioners and placed

in the printed book before the public was not a true copy of the evidence in the original book." Nobody needs the instructions of the Committee to ascertain that. And the Committee do not say that Mr. Brown made this collation, or put it into the printed book; but they say that the Commissioners did it. (Hear, hear.) Now, the acts of the Commissioners were not referred to the Committee, and they exceeded the privileges and duties of a committee investigating the character of the Commissioners, when the Commissioners were not notified to attend before them. (Hear, hear.) They come forward here, by their Report, and stigmatize those gentlemen, while they have never given them the opportunity of appearing before them and repudiating it. (Hear, hear.) Now, is this house prepared to sanction such a principle as that, and to say that Mr. Fergusson, Mr. Bristow, and Mr. Amiot, and all the other Commissioners have been guilty of falsely collating this testimony, and putting it into the printed book before the public? The Committee declare that they use the word "Commissioners" carefully and do not say "Mr. Brown," as if there was an enquiry in regard to the Commissioners submitted to the Committee, and they add that how far Mr. Brown, who was Secretary of those Commissioners, is responsible for the collation of this testimony — they are not prepared to say. Then if they (the Committee) are not prepared to say that, why do they say anything at all, and cast an aspersion upon the Commissioners collectively, and do not dare to fix it upon any one of those gentlemen individually, whose character is brought into question? Then I apprehend that it was a charge made against Mr. Brown individually, and not against those Commissioners collectively. (Hear, hear.) I need not tell this house that a charge made against an association which has an associate capacity, is quite a different charge from one made against an individual, for malfeasance in the discharge of a particular duty, while acting as Secretary of the Commission in question. The charge made by Attorney General Macdonald against Mr. Brown was a charge of his having recorded falsely the evidence that was given by witnesses [sic] before that Commission. (Hear, hear.) And it was *him* acting as a clerk, writing down that evidence — that was the matter which was submitted to them and upon which this house was entitled to their report "yea" or "nay," (hear, hear,) whether he was innocent or guilty of having done that. Have then the Committee upon that discharged their duty? I apprehend that by that Report they cannot be considered to have done so. Another charge made against Mr. Brown is that of "obtaining the pardon of convicts." The majority Report is here equally travelling beyond its duties, because here again it follows the same course and takes up the act of the Commissioners, not of Mr. Brown, and states that those gentlemen acted so and so. Now if Mr. Brown caused the pardon of convicts, it was through his act individually, beyond that of acting as representative of the Commission, otherwise his conduct ought to be brought in question in connection with the Commission, and all parties should have the permission of answering those charges. But there is nothing whatever in the Report of the majority stating whether through Mr. Brown's influence or through that of the Commissioners any convicts were pardoned, because they gave evidence in favour or against the Warden; but there is a mere insinuation stated as a fact — setting forth, "that several convicts were pardoned." That as to two of them Mr. Brown wrote a letter on the part of the Commissioners respecting them. Now upon examination of the evidence, many things will appear with regard to these convicts. One of them by the name of "Cameron," it appears on the evidence of Warden Smith, had previously been recommended by him for pardon. (Hear, hear.) Warden Smith states in his evidence that he considered him worthy of pardon. That is one of the principal cases brought into question. It appears that the hon. member for Brome (Mr. Ferres) signed a petition for the pardon of this same man "Cameron;" and twelve Priests in Lower Canada for the other. (Hear, hear — sensation.)³⁰ I maintain that it is the duty of the committee to say whether Mr. Brown acted, in securing the pardon of these convicts, criminally, and with other views than for the interest of the public; — acted, I mean, "individually," not as a representative of the Commissioners; because if he did so, then I say that it is the act of the Commissioners, not his act. He is only jointly responsible for those acts as every man is jointly responsible in an associate capacity with others for any particular act, and not individually responsible. Supposing for instance that acting as Secretary of that Commission, he wrote a letter for the pardon of any of these parties, that he was ordered to do so by a majority of that Commission, he being in the minority. You state these facts, and if you were

not right, and you endeavour in this insidious manner to cast the odium of it upon Mr. Brown, while there is a possibility of its having been ruled to be done by the Commissioners, he being the minority, and having no responsibility individually at all in the matter. Now, what we propose by this minority report is this. We have taken up the facts *seriatim*. We have stated that the Commissioners, previous to their entering upon their investigations, determined upon a certain course; that that course was submitted to Mr. Warden Smith; he stated himself that it received his approval; that that course was pursued with regard to the preliminary examination; after which extracts from the evidence upon which the Commissioners required information, were referred to Mr. Warden Smith, and he was called upon to answer to these charges. Then he was also informed that he should have the assistance of the Commissioners to obtain the attendance [sic] of any of those witnesses, whom he chose to cross-examine. Mr. Warden Smith, although he complained in his petition, that he did not have these men brought before them, that some of them had left the country, upon cross-examination it appears that some of these witnesses are respectable persons, residing to be sure in the United States, but that even at the present time their residences are unknown. At that time he was offered the assistance of the Commissioners to bring these witnesses — that he did not ask for them, and did not wish them to be brought — (hear, hear) — never asked for a written subpoena to bring any one of them before the Commission. I wish to call the attention of the house to these facts which are quoted in the evidence; and I wish to ask if there is a possibility of that first charge being proved by the only two witnesses brought forward by Mr. Attorney General Macdonald in stating this charge? It is certainly an anomalous position, that a person who sits as a judge, or *quasi* judge, to make an investigation of this nature, that that judge after having, together with four other parties of high respectability in the country, gone through a tedious investigation, which forms 1300 pages of large paper, after having gone through all this, that the parties who are condemned by them, one for committing gross irregularities and mismanagement in the execution of his duties, and the other for having been guilty of dereliction of duty and almost peculation; that upon these two witnesses alone the character of one of these Judges is brought into question. These charges are made against him, calculated not only to injure him, but if true to ruin him for life — to cast such a stigma upon his name as he can never divest himself of. I say, is there a fact in history that will give a precedent for such a proceeding? I apprehend that no such instance can be found. (Hear, hear.) Yet upon the evidence of these two witnesses alone the whole of these insinuations which are made in this report rest. Is this Parliament prepared to assent to that? There is no other evidence as to the charges which has been brought before the Committee except that of these two witnesses. (Hear, hear.) It is a matter worthy of observation, that over a hundred (I do not know exactly the number) witnesses were brought before the Commissioners, and a large proportion of them by Mr. Warden Smith, and not one of these witnesses has been brought up to show that Mr. Brown even acted partially in the discharge of his duty, with the exception of the Warden himself and this other person, Mr. Hopkirk. (Hear, hear.) There are men here in the city of Toronto, and many witnesses residing in Kingston, men of the highest respectability, whose evidence might be obtained in this matter, beyond all possibility of doubt, and for that reason they were not brought before the Committee. (Hear, hear.) If Mr. Brown conducted the commission in such a manner as to intimidate or insult the witnesses, to prevent the evidence being properly recorded, there should have been other parties to establish that fact than those two witnesses, whose conduct and mismanagement were brought into question by these Commissioners. But I maintain that any party taking the evidence of these two witnesses alone, that is, Mr. Warden Smith and Mr. Hopkirk, and with the cross examination, cannot possibly convict Mr. Brown of any one single charge. (Hear, hear.) The Attorney General, it is said, brought these charges, not upon his own responsibility or upon his own knowledge, but upon the knowledge of parties who gave him information. He says that the party giving him this information was the party who presented his petition in 1850 and 1851, Mr. Warden Smith. Now these charges are not maintained there. Those charges are not asserted in the manner in which they are made before this house. The distinct positive charges made here were not made there. It is said that they were given upon the information of Mr. Warden Smith. But when Mr. Smith was brought into the box by Mr. Attorney

General Macdonald, if he was not aware of the facts, his informant ought to have been aware of them. Mr. Smith is asked, "Have you any personal knowledge that Mr. Brown falsely recorded the evidence taken before the Commissioners?" He replies, "I have not." If Mr. Warden Smith had not that knowledge, who had it? Where were the Committee to obtain it? They have not reported it, — because there is no evidence upon which to sustain it. (Hear, hear.) So with the other charges, that of "subornation of perjury" and "causing the pardon of convicts," they are gone through *seriatim* with Mr. Smith and Mr. Hopkirk, and they are asked if they have any personal knowledge as to them, and they say, "No." Now, it is well for this house to examine into this matter, and to see what amount of knowledge Mr. Warden Smith possessed; what were his means of information upon the matter. Mr. Warden Smith had a competent party at the commission to take evidence, and to compare it with the evidence of the secretary of the commissioners, (Mr. Brown.) It will be seen that in reply to a question in the report, whether the evidence was not made to accord with the evidence of the clerk whom he had brought there to take down the evidence, Smith said it was. He stated that Mr. Brown sometimes took down the evidence in his (Mr. Brown's) own words, which he said meant the same as what the witness said, but upon the witness requesting to have it put into his own words, that Mr. Brown did so in every case before it was signed. Then there is the evidence of Mr. Bristow, showing beyond the possibility of doubt, the remarkable accuracy with which matters before this Commission were conducted; that every item of the evidence was taken down by Mr. Bristow from the beginning to the end, which evidence Mr. Bristow brought up before the committee, laid it upon the table and begged it might be examined; and it could have been examined and compared with Mr. Brown's to see if there was any material difference. And it is a noticeable fact, that Mr. Macdonald never referred to the evidence of Mr. Bristow, or to that of Mr. Warden Smith, (which was the foundation of his knowledge) to compare theirs with the record of Mr. Brown, to show that in any one particular the evidence taken by Mr. Brown was falsely recorded. Here then, to my mind, is a demonstration equivalent to any mathematical problem, that we must assume that the evidence was true, that Mr. Macdonald regarded it as hopeless to attempt to prove its falsification, because he had it in his power, from Mr. Warden Smith's evidence which could have been had, and from Mr. Bristow's evidence which was produced, to show a contradiction in the evidence if any such existed. But he has not done so. Then what is the inference? Then again, it has been a matter of curious reflection to the committee, how the Attorney General could have known sufficiently, or have been sufficiently convinced of the truth of these charges to have — in the position which he holds in this country — taken the responsibility upon himself of making them in this house, against one of its members occupying the prominent position that Mr. Brown does, without this evidence having been in existence, or within his reach, or his having seen it, or without the parties from whom he received this information ever having access to it. (Hear, hear.) It does appear to me that the only explanation (it is perhaps an uncharitable one, but it is the true one) to be made is derived from the mode in which the Attorney General commenced his case. The preliminary proceeding was to show that the evidence had been destroyed by fire. (Hear, hear.) Now, if the Attorney General knew, or supposed that he knew, that that evidence was destroyed at the fire in Quebec, it was certainly a very hazardous business for him to make charges of the kind that he did. He must have either relied upon this, that those charges could not be proved and could not be entered into to show whether they were correct or not, and that it would not be possible for any party to say whether his conduct in making the charges was justifiable or not, or else he must have had a method in his own mind of arriving at that proof, which it is very difficult for us to perceive. Now, the first charge he makes is, that Mr. Brown falsely recorded the evidence. In order that the Attorney General might be firmly convinced that this was true, we must suppose that he required to have the evidence in his possession which was recorded, (hear, hear,) and it was suggested, that having access to the evidence as taken down by Mr. Smith, and to the reported evidence, and finding that the evidence in the possession of Mr. Smith varies from the printed evidence which he rescued, he makes the statement that the evidence as taken down by Mr. Brown, was taken down falsely. Now, I apprehend that that is not a proper or safe thing for him to do. I apprehend that that would have been a different charge altogether.

It would have been a charge against Mr. Brown, for having collated that evidence in such a manner as to place it before the public in a garbled form, and not a charge of having falsely recorded the evidence, and that is a charge which we were not called upon to investigate at all, and it was an act not his own, but an act only his as one of the commissioners, together with that of the other members, an act of the body in their associate capacity, and not one of the individual at all. In either view of the case, the Attorney General could not have been so satisfied of the truth of the charge, as to have supposed that he could have established it before the committee. Then, what is the necessary inference? The inference in my mind is, that it must have been a desire to cast a stigma upon Mr. Brown, which he might think would injure him politically as a party man, or which he might think would be left in doubt in a manner which could not be cleared up, and which he could not shake off, which no investigation would reach.³¹

DR. MASSON (indignantly). — I would like to ask the hon. member if he thinks it was the intention of the committee to do so?³²

MR. SANBORN. — I have not intended to bring in question the motives of the committee at all, and I think I have not in any way referred to their motives. I have referred to the facts, and I say that they are such as I maintain induced certain conclusions, which is a perfectly legitimate mode of reasoning, and if those conclusions, to the mind of a candid person, are unfavourable to the committee it is not my fault, it is the fault of the acts of the committee. (Hear, hear.) The report which we ask that the committee be instructed to give to the house, is that the charges have not been sustained.³³

MR. SICOTTE the SPEAKER here said, as the point of order raised must be decided, it would be as well to decide it at once.³⁴ There was some doubt expressed as to the nature of the motion before the house. I enquired of the hon. member what he meant, telling him that his intention was to move an instruction from this house to the committee to report an opinion, by which to declare to the house that such a motion could not be entertained. (Hear, hear.) I was told by him that that was not exactly his intention; that his intention was to bring from that committee a report coming from the minority. I beg to read the motion proposed by Mr. Wilson to this house: — “That the said Report be not now received, but that the same be recommitted to the same Committee, with instructions to report the following, whether the Minority Report appended to the minutes of the evidence, be reported to this house with the Majority Report.” He (the Speaker) did not think that this motion was quite in order.³⁵

MR. SANBORN. — I was incorrect in intimating that if the motion was carried, that we would instruct the committee to make that as their report, but it would be, so far as the house is concerned, precisely the same, and it would express their views upon the minority report. The object sought by the motion, if I comprehend it rightly was, that the minority report shall be entered as a minority report.³⁶

MR. SICOTTE the SPEAKER. — The Report of the Committee must be the Report of the majority. The house may order the Committee to report, also as a report, the opinion of the minority. When these two Reports are before the house hon. members may move that one Report be adopted, and other hon. members may move that the other Report be adopted.³⁷

MR. SANBORN. — The object would be in any case this. We wish to place the view of the minority in such a form before the house that it will admit of no question. I have stated so far, that the minority of the Committee thought that the Reports now presented, should be presented by the Committee. I will now allude to other matters. The evidence of these two witnesses, Smith and Hopkirk, every person must consider as being very strongly biased by their own feelings and interest, and having had their characters brought into question by the decision of this Commission, of course they would not be in a particularly good state of mind to give a tinge to their evidence in favour of Mr. Brown. The other Commissioners were brought forward, gentlemen of standing and respectability, and it is said that they are interested also.

They are not interested to the extent which the others are and are not interested at all properly speaking, for the charges do not pretend to bring their characters or proceedings into question. Sheriff Thomas is brought forward, and he confirms the statements of Mr. Bristow and Mr. Fergusson that the evidence was faithfully and properly recorded. We find that they all speak to the same facts, and while we find positive and absolute contradictions in one or two instances in the case of Hopkirk, we find, at least, that in the whole evidence of Mr. Bristow, including a most searching cross-examination that in not a single instance has he been proved to be otherwise than perfectly accurate in all his statements. (Hear, hear.) And when he came forward and spoke with such positiveness, and produced the books which contained the evidence as taken by himself, I shuddered for the responsibility which he took upon himself as an individual. Even supposing that he had acted with perfect sincerity, the idea of a man having taken down such a large mass of evidence, being so confident that he has taken it down with accuracy, and that the entire of it would accord with the evidence taken down by the secretary, seemed to me to be a thing incredible, yet he submitted himself to that responsibility.³⁸

MR. CHABOT rose to a question of order. Had the hon. member a right to discuss the facts and documents involving the merits of the report presented by the Committee.³⁹

MR. SICOTTE the SPEAKER. — In reply to the hon. member, — I must say that I thought when I interrupted the hon. member from London, (Mr. Wilson) that it would be perhaps better, if there was no opposition to the motion for the minority Report being laid before this house as a minority Report, not to enter upon the merits of the Report itself, or the evidence taken before that Committee; but it was the right of any hon. member wishing to address this house to say whatever would have the effect of proving the propriety of admitting that minority Report.⁴⁰

MR. SANBORN. — I think that it ill becomes the member for Quebec, considering the position in which he has been placed by his connection with the Government of this country and with this house to get up and question any facts calculated to give this house an understanding of what the committee have sought to arrive at in this investigation. (Hear, hear.) I do not regard it as a matter of personal interest so far as the individual is concerned; but I say that it is due to that individual, and to this house, as a matter of justice, that they should arrive at the conclusion, whether he is guilty or not of the charges made against him — I say that he is entitled to that from this house, and if he gets anything short of a distinct declaration from this house, that he will get what will be injustice, and a precedent will be established unsound and unsafe, and one which will expose the characters of public men to investigations of this kind in Parliament, liable to be decided under the influence of party majorities, so that no public man can be supposed to be safe hereafter from unjustifiable attacks. (Hear, hear.) I conceive, too, Mr. Speaker, that the consideration of this subject involves the purity and conduct of all committees of this house, as to whether they are to be restricted within the rules of law, or are to be permitted to wander outside of them, in forming their conclusions. The proceedings of committees in the Parliament of England, it is well known, are looked to with great respect, and it is wonderful, in looking over their various proceedings, to see that when questions of law arise, how in a majority of cases they set apart mere party considerations, and render a decision upon the matter referred to them of such a nature as is looked upon thereafter as having been founded upon “justice and law.” (Hear, hear.) It is with that desire that I conceive, Mr. Speaker, you have wisely permitted the entering somewhat largely into the discussion of this matter. I have no desire to detain the house much longer upon the matter, but I will urge a few further considerations with regard to the evidence adduced upon the part of the Crown. I was remarking, that when Mr. Bristow was brought before the committee with this evidence, that I conceived he was taking upon himself a great deal of responsibility, and more than a person not conscious of extreme accuracy would have ventured to do in exposing his books there voluntarily to be examined. It might possibly be imagined that Mr. Brown acted in the collation of this evidence for the report separately, rather than with the Commissioners, but Mr. Bristow upon cross-examination acknowledged frankly and openly, that

the Commissioners were not only *all* responsible but that they were all cognizant of the collation of the evidence, and that it was made by the Commissioners in session, and not by Mr. Brown. (Hear, hear, sensation.) Having taken cognizance of all these facts, I cannot see that any person can arrive at any other conclusion than that the charges which have been made against Mr. Brown are not maintained, and that there is no evidence to sustain them. I venture to say that any person taking those seven cases which have been cited by Attorney General Macdonald, it was impossible that he could believe that there was any intention of doing wrong in the collation of the testimony. The only charge which could by any possibility be made, is that the Commissioners did not quote sufficient of the evidence to give a full view of what the witnesses meant, and it is merely a question of opinion whether the Commissioners have erred in opinion in making their extracts; whether they have made extracts sufficiently full to give the public a fair view of the case, or whether they have stopped short of that by extracting a portion of the evidence, which, compared with another portion of the evidence, would have given a different colouring to the matter. But taking into consideration that, supposing all these cases to have been variations unfavourable to the Commissioners, they have so slight a bearing altogether, that they do not influence the mass of testimony which was brought before the Commissioners, and could not bias any person or lead any person to a different conclusion, than the Commissioners did with regard to any of the facts, or to the character of Mr. Warden Smith. Taking these things into consideration, I am satisfied that no person can examine the evidence and proceedings of that Commission, without being convinced that the proceedings were conducted with great accuracy and with an ability of no ordinary description. I maintain that very few men, placed in the position Mr. Brown was [in] in that Commission (even professional men), could have recorded the evidence, from beginning to end, with such accuracy as he did. I will venture to say that there is not a majority of the investigations made by professional men, or the decisions of the best judges of the land, which would, if submitted to the same scrutiny which the investigations of these Commissioners have been submitted to, that would have stood the test and come out so triumphantly as the investigation of these Commissioners. (Hear, hear.) I believe it would be sustained by all who examined into their proceedings; and although some may allege that Mr. Brown was sometimes over-zealous in the discharge of his duties as Secretary, still no one who is disposed to act fairly and candidly would feel disposed to say that he wilfully or in any manner endeavoured to twist, revise, or turn that evidence to a different conclusion to that which it originally tended; and the inevitable and just determination arrived at must be, that no one of the charges has been sustained; and I believe that this should have been the rendition and decision of the majority of the Committee to whom they were referred, and that the minority report should have been that which in justice should have carried their convictions.⁴¹

MR. FELTON had hoped that the reports [sic] of the committee would have been laid before the House for some days before it was made the subject of discussion.⁴² [He said:] In rising to address a few observations to the house upon this subject, I do so with a wish to place myself before hon. members in a correct light. I think, sir, it is not the business of any one of the committee who have acted in this matter, to rise here for the purpose of attacking or defending either of the individuals who are the principals before us, (hear, hear,) or to take a position as if to defend Mr. Brown on the one hand, or Mr. Macdonald upon the other, and, of course, without intending in the slightest degree to impute any improper motives to anybody, I think we should have done much better if we, as members of the committee, appointed to investigate the charges preferred, had merely stated in the shortest way the facts upon which we based our conclusions. I have endeavoured in this matter to come to an impartial one, but one of these reports, I must say, appears to be strongly in favour of the one gentleman before the committee, and the other in favour of the other. I have no doubt but, neither of them being an impartial report, that those reports will be respectively maintained by the friends of each party. The report which I submitted to the committee, and which has not been adopted by them, I am afraid will be entirely disregarded by all parties. Before going into the particular facts which led me to form my conclusions, I would just remark that a great deal has been said upon both sides about this Penitentiary Commission. Now, I contend, that that

has nothing to do with the matter at all. The only question here was, whether Mr. Brown was guilty of the charges distinctly stated in the face of this house by Mr. J.A. Macdonald, and reduced with almost professional skill to the position of an indictment. Those charges were stated, and it was unnecessary to go into the detail of the manner in which the Penitentiary Commission was conducted. (Hear, hear.) But it has been done, and one great difficulty arises at the outset from the facts which I shall just now desire to express in a very few words. It appears that the evidence given before that Commission was reduced to writing by Mr. Brown, as representative of the committee, and placed in certain books, which books were not known to exist until the present committee commenced their labours. It was supposed by the members of the committee that those original testimonials of the witnesses had been destroyed at one of the fires which occurred at Montreal or Quebec, and that being the case, we were left entirely to the printed report of the commissioners to the Government. Now, reasons why the evidence was not in the first place correctly taken down have been given, but the printed Report did not pretend to be an actual copy of the evidence. (Hear, hear.) It was an abstract of it; but when I say this, I mean it was an abstract in which the words were essentially changed in themselves. The same words in the original evidence are not destroyed, but yet large omissions occur in the abstract. (Hear, hear.) Now with regard to those omissions, if the question submitted to the Committee was, whether the Penitentiary Commissioners acted fairly and impartially, it would have been useless for us to have decided as to the omissions, because this abstract bore its explanation upon its face. It is obvious that the whole evidence of each individual is stated to be an abstract, so far as it related to particular subjects under discussion. I am bound to say that if the question of partiality had been once brought before the Committee, that I for one would have been bound to admit that there was an over-zealousness exhibited in the Report sent by the Commissioners to the Government. It savoured of partiality, and showed a desire to convict the individual who was then before the Commission, but I do not think that it amounted to anything like the charges brought forward here, (hear, hear,) and I do not think that there was any evidence to show that it was a dishonest impartiality. I think that it arose from an over-zeal in the gentlemen charged with the duties of superintending the Commission. But I am satisfied that there is no court and no jury in the country which would convict Mr. Brown on the charges made against him by Mr. Macdonald, and as the Committee could not legally convict him they ought to have acquitted him. But nobody can examine the printed Report in connection with the written testimony, without feeling that there is not sufficient distinction between them to destroy that necessary conclusion at which the Government should arrive with respect to the guilt of the parties brought before the Commission. I will now state what leads me to arrive at the conclusions I have come to. The charges here are not only of a very grave character, but of a most specific one. They are stated in words so distinctly, that they amount almost to the formality of a regular indictment, and it will be remarked that these charges amount, each of them, to a distinct crime known and recognized by our law. That being the case, what was the first step that the Committee took? It was, to come to the conclusion that they would proceed in the investigation of those charges according to the forms observed in courts of justice. (Hear, hear.) We did so, and proceeded to hear the pooof [sic] adduced in support of the charges. Now, having followed the rules of courts of justice, I take it that we were bound to weigh out justice as it would be in those courts. We found that a large mass of evidence had been omitted, which, while it went to show that there had been, as I have already stated, some improper over-zeal in the conduct of the Commissioners, still, it fell short of being sufficient evidence of the guilt of Mr. Brown in respect to any one of these charges. I think that we were bound to take the proper legal consequences of the evidence in support of the charges or in disproof of them. We were bound to do that most strictly. And no lawyer in this country, however distinguished he might be, not mixed up with politics outside of this house, would say that either judge or jury could be found to have convicted Mr. Brown upon those charges brought before the Committee by Mr. Attorney General Macdonald. (Hear, hear.) Now I had the misfortune to differ with the other gentlemen of the Committee, and I allow them credit for the most impartial motives, but I am sorry to say that they have not looked at the matter in the way that I have. While admitting that the evidence was not sufficient, they have thought that there is some sort of evidence

which enables them to come to a finding which I do not agree with. I take it that there was either *legal evidence* or none at all. (Hear, hear.) And if there was no legal evidence to convict him we should have acquitted him, and I do believe that there was no such legal evidence to convict him of any of the charges preferred, that there was an over-zealousness exercised by the Commissioners in the discharge of their duties, and no doubt that a large portion of that must lie at Mr. Brown's door. But there is another consideration. Upon the trial of Mr. Brown on these charges, the accuser as well as the accused was on his trial. That was distinctly stated at the time the examination was proceeding, and it was recognised by the Committee, and a large mass of testimony was admitted to help Mr. Attorney General Macdonald to prove charges which he *supposed* that he could prove. (Hear, hear.) When we come to look at the evidence with respect to the particular points under discussion, the fact which I stated in the opening that this original documentary evidence, which was supposed to have been destroyed, which was not known to exist — the fact that that was supposed to be destroyed helped Mr. Macdonald only in reference to the printed documents laid before this house. Now there can be no doubt that these printed documents did not contain the evidence as given by the witness *in toto*, and, therefore, the Attorney General, I think, was justified in supposing that if that was an exact copy of the evidence as reduced by Mr. Brown, that there had been some misconduct in the matter, and that the Secretary of the Commission must have been the person guilty of that misconduct. Now from all that I heard I was of opinion that he must have acted in good faith, and that he was justified in making the charges, by all the evidence which lay in his power at the time he made them. The first charge was that of Mr. Brown having recorded falsely the evidence of witnesses examined before the Penitentiary Commission. Now, there is no evidence to prove that single charge, although there is evidence to show distinctly that as the evidence was reported to the government there were important omissions in the evidence as recorded, and originally recorded. The next charge is that of his having altered the written evidence of witnesses after the same was subscribed, all of which is not at all explained as being improperly recorded before the original Commissioners. Then he is charged with having suborned witnesses to commit perjury. Now in order to make out proof of that, it must be first shown that there was an actual perjury; that all the evidence which the parties gave was untrue. Is there anything to show that that evidence was false. As to this subornation, therefore, if there was any evidence it rather went to show that there was nothing to induce certain witnesses to state that which was not true. The fourth charge is the only one upon which the evidence is the least clear.⁴³ Now, although it was very difficult to say whether Mr. Brown was innocent or guilty of that charge, from the character of the correspondence which had passed between him, and the Government relative to the pardon of several prisoners, yet he [Mr. Felton] could not come to a decision adverse to Mr. Brown in consequence of that doubt.⁴⁴

MR. SICOTTE the SPEAKER. — I submit to the house whether it is now the proper time to enter into the discussion of the evidence brought before the Committee. The motion before the house is not that the Report of the Committee be adopted, but only that the Report be recommitted for the purpose of enabling the Committee not to alter their Report, but to bring along with the Report now brought up, what is called "a report of the minority." This discussion is not regular now, but when the motion is made that the Report be adopted then is the proper time to enter into all these matters. As it is upon a matter of such importance to all parties interested in preserving the character and honour of this house, my duty is of course to show the utmost indulgence, but to leave the discussion of it to the good sense and propriety of hon. members.⁴⁵

SIR A. MACNAB. — Mr. Speaker, I wish to make one remark. (Order, order, chair, chair.)⁴⁶

MR. FELTON. — I will not detain the house five minutes. The hon. members for Compton and London did not stop when you pronounced a similar decision, and I hope the house will allow *me* to proceed. (Chair, chair.)⁴⁷

MR. SICOTTE the SPEAKER. — I did so.⁴⁸

MR. FELTON. — I have little more to say. Now, having stated my general views, I will now lay before the house the embodiment in which I placed my conclusions before the Committee, desiring them to act upon them at the time I proposed that the following be adopted. (The hon. gentlemen [sic] then read the Report which he desired the Committee to make.)⁴⁹

MR. SICOTTE the SPEAKER. — May I enquire of the hon. member, as he was one of the committee, if a copy of his report appears in the minutes of the proceedings of the committee reported to this house.⁵⁰

DR. MASSON. — It does.⁵¹

SIR A. MACNAB. — I do not think that this house or anybody in it is in a position to pronounce a judgement upon the report now put before it. (Hear, hear.) I have not heard it read. With regard to the question before the house, of referring it back to the committee, the motion is a simple one, for which precedents can be found. The fact is, a committee appoints a chairman. They have investigated the matter before them, and then one member of it generally moves "that the chairman be requested to prepare a report." As soon as that report is prepared, if the minority of the committee do not like it, they move that another report be adopted, or else move an amendment to that report. If they move an amendment the minority have an opportunity of stating their views upon the subject, and the committee must report all the proceedings to the house. (Hear, hear.) And, therefore, if there is a mistake, let it be rectified. I do not know whether the report is a proper one of the proceedings or not. (Hear, hear.)⁵² [He] thought there was going to be confusion from the presentation of two minority reports. The gentlemen who were in a minority, or who composed the two minorities, had no right to make minority reports;⁵³ [but he admitted] the right of a minority to be the same as in this house to move an amendment to the report while the chairman is in the chair, and to place their report with that of the committee, and then it comes before the house with the other.⁵⁴

MR. SOL. GEN. H. SMITH. — It is so there.⁵⁵

SIR A. MACNAB. — Then what more can the hon. member want.⁵⁶

MR. SICOTTE the SPEAKER. — The hon. member (Mr. Felton,) moves an amendment to the motion of the hon. member for London (Mr. Wilson) "that all the words after the following be left out, and the following inserted." I must inform the hon. member and the house, that such a motion would be quite irregular, because it would then express an opinion of this house, whether the one or the two reports are maintained, and it would be un-Parliamentary [sic] if the house were to order a committee of its own to report in such a way. It would be destroying the committee altogether. The proper move would be, to move that the report do lie upon the table for a certain number of days, and be printed, and then a motion is made to concur with either of the reports. (Chair, chair.)⁵⁷

MR. FELTON. — Then I am willing to withdraw that motion and to substitute another. My view in making the motion was, not that I expected that either of these Reports was to be adopted, but in order that the whole matter might be placed before the house and country. (Hear, hear.)⁵⁸

SIR A. MACNAB. — How does the hon. member think it possible for a member sitting here to pronounce a judgment upon this subject? Have we ever read the Report? We have not, and how can we come to a conclusion?⁵⁹

MR. J.S. MACDONALD. — The hon. and gallant knight is mistaken with regard to the question now before us. This Report was presented by a majority of the Committee before it was signed or read.

There were other Reports made, one by the hon. member for Wolfe (Mr. Felton) and one signed by two other members of the Committee.⁶⁰

SIR A. MACNAB. — Are those on the minutes?⁶¹

MR. J.S. MACDONALD. — Yes. Now this majority Report has been read, and no motion is made that it shall lie upon the table, and therefore the objection of the hon. and gallant knight does not apply, but it is insisted that when this Report was made, it ought to have been accompanied by the minority Report, in order that when we get the Report of the majority, we get that of those who differ with them.⁶²

MR. FERRES. — So you do.⁶³

MR. J.S. MACDONALD. — Well, it does not appear upon the journals. It is the practice in other countries that this should be done. The other day a committee of Congress was appointed to enquire into the outrageous assault committed upon Mr. Sumner. The committee brought in a report to expel Mr. Brooks, the perpetrator of the assault, from the house. The members from the Southern States gave in a minority report. Both reports were then ordered to be laid upon the table at the same time, in order to enable the house to come to a determination which of them they would adopt, and no conclusion has been come to. Was there anything unfair in asking, that whereas the majority of the Committee have forestalled the remainder, that that should not be allowed to go forth to the country to produce a verdict against Mr. Brown. You do not want to allow the minority to apply the antidote with the poison at the same time. (Hear, hear.) Why do you refuse to put the minority report before the country at the same time as that of the majority, and refuse to give the party an opportunity of spreading out their opinion, in order that the community may read the whole evidence, and honourable members prepare themselves by the time that the discussion comes on to say which report shall be adopted. The hon. and gallant knight is right in his opinion, except as far as he declares that because the minority reports are upon the minutes, that we are to exclude the public from judging of the matured opinions of the minority of the Committee. If he is prepared to say, that he will not allow the minority reports, and those reports of the hon. members for Compton and Wolfe to go forth, and to put the majority report upon the journals in advance of the opinion of this house, the proper consideration as to the adoption of this report at this particular stage of the session, maby [sic] never came [sic] out, and I should be sorry to mistake the hon. and gallant knight to be desirous of not giving fair play, which he will not do if he secludes from the public the minority report. Let us have then "fair play."⁶⁴

MR. SOL. GEN. H. SMITH. — Hear, hear.⁶⁵

MR. J.S. MACDONALD. — Yes: Let the public read those minutes over and the evidence, and all in connection with them. But we may not be called upon during this Session to either adopt or reject this majority report, and in this way I hold that a censure may be cast upon the hon. member for Lambton, (Mr. Brown,) while the Attorney General West (Mr. Macdonald) will be exonerated, except so far as he has already been censured for his ebullition of passion in the heat of debate, by making use of words which the public thought that he should not have made use of. I am not prepared to say that I would exclude the minority reports. At the same time I am not prepared now to enter into the particulars or circumstances which brought about that majority report, because I am not prepared to give any opinion. There is certainly a great deal in the statement which has fallen from the hon. member for Wolfe (Mr. Felton), that either the Committee should have found Mr. Brown directly guilty of the charges, or have acquitted him entirely. He was indicted upon several charges; and who has ever heard of a jury giving an opinion before a judge, that the prosecutor was justified in prosecuting. It must be a verdict of either guilty or not guilty; and the Committee, as far as I can see, have travelled out of the record, and have passed a gratuitous opinion upon parties not indicted, I mean the Commissioners.⁶⁶

MR. SOL. GEN. H. SMITH (hastily). — I am surprised that the hon. member should speak in this strain when he reflects upon the position that he formerly occupied as Speaker of this house. (Order, order.)⁶⁷

MR. HOLTON. — This is a most important subject, and the hon. Solicitor General has no right to speak twice. He has already spoken. (Spoke, spoke.)⁶⁸

MR. SICOTTE the SPEAKER. — The amendment has been declared to be out of order. (Chair, chair.)⁶⁹

DR. MASSON. — There is a good deal of quibbling here among lawyers, and particular[l]y with the honourable member for Glengary. — I will explain the facts before the committee, when we come to make the majority report. Mr. Stevenson proposed the report. The hon. member for Wolfe (Mr. Felton,) then proposed a separate report, and an amendment to that report, and then the hon. member for London (Mr. Wilson,) proposed a second one. When we (the committee) came to vote, these three were thrown aside, and the report of the hon. member for Prince Edward (Mr. Stevenson,) was adopted. You will remember that the reports of these gentlemen were entered in the minutes, and will form parts of the proceedings of the committee, but I think that it was the duty of the committee to report to the house only the report which was adopted by the committee. We could not report the report of the minority, but I said that I would make that report part of the proceedings of the committee, and after it is printed, the house will see that we could not do otherwise. It would be very improper to receive the motion that was made.⁷⁰

MR. STEVENSON. — The hon. member for Glengary, has just now told us that it would be totally unjust to allow this majority report to be received, because he says that we have never had two minority reports published. Now, if this majority report is not received, it will not be published (unless the hon. member for Lambton pleases to do so). If the report is received, then those two minority reports will be received also. Then what has the hon. gentleman to grumble at?⁷¹

MR. SICOTTE the SPEAKER. — The hon. member does not take the meaning of the motion as it is made. — The motion will have the effect of printing upon our Journals and proceedings the Report of the minority. I will call the hon. member's attention to this.⁷²

MR. STEVENSON. — The minority Report stood upon the same footing as the majority Report, had the present motion not been brought on before the house. What was the object of bringing up all this discussion to-day? Was it because a garbled statement of the evidence taken before the Committee was published a few days ago in the *Globe* newspaper, and with the view that this house should come to a conclusion now without having any knowledge of what has been done except from the *Globe's* statement. Why not have waited until the question came up in this house upon adopting the Report of the Committee. That was the proper time for this motion.⁷³

MR. J.S. MACDONALD. — Not at all.⁷⁴

MR. STEVENSON. — There seems to be a great desire that something should be done to-day before the hon. members of this house have the opportunity of reading the evidence taken before the Committee. An effort has been made to show that the Committee relied for their conclusions upon evidence which was not good. The Report which the Committee have acted upon states first, that the evidence reported to the Government was different to that which was taken. Now it was proved before the Committee by the hon. member for Lambton himself, that the evidence which was actually taken before the Commission had remained in his pocket up to the moment that he produced it in the Committee, and that he never intended that the Committee should have it. But the Committee make a Report

to the Government, and report the evidence taken beforehand for the consideration of the Government, and the Government upon the Report of their evidence is to make up their minds, upon that, to dismiss a person (Mr. Warden Smith) from his situation and to perform certain other acts. (Hear, hear.) Was not that the effect of the evidence? I think it was. That is a legal point, and it has been strongly urged by the Counsel that that was not the legal evidence. The majority of the Committee were not lawyers — they simply stated the facts and allowed the house to come to their conclusion. If that was the record, then, I think, Mr. Speaker, that you, this house and the public, will have no hesitation in saying that it was falsified; that the evidence was not fairly quoted, that parts of the evidence given by the witnesses were quoted and other parts left out — the effect of which gave a directly contrary meaning to what was stated by the witnesses. That is a point which we have left to the house to decide. The next question is that the Committee do not bear any opinion with regard to the question of whether Mr. Brown was more culpable than the rest of the Commissioners. When the evidence is read over, I think that there will be no difficulty for this house and the country to come to an opinion upon that point, and if the Committee have not in their Report expressed any opinion upon that point, it was not because they had not an opinion. (Cries of oh! oh!) The fact that a number of the officers of the Penitentiary were called upon to give evidence, and that each one of those who gave any evidence against [sic] the Warden were dismissed, Mr. Brown cannot deny that he gave evidence to.⁷⁵

MR. BROWN (indignantly). — I gave no such evidence. It is perfectly false. (Order, order, hear, hear.)⁷⁶

MR. STEVENSON. — He never said it was false before the Committee, nor did he deny it. (Confused cries.)⁷⁷

MR. BROWN — (vehemently). — I do.⁷⁸

DR. MASSON. — No.⁷⁹

MR. STEVENSON. — Let the evidence taken be examined, and if there is anything different, then I am *mistaken*. (Hear, hear.) The fact that certain parties were discharged who gave very strong evidence against [sic] the Warden, and that others were rewarded, I believe the hon. gentleman will not deny? (Order, order.)⁸⁰

MR. BROWN. — I do deny it most emphatically.⁸¹

MR. SICOTTE the SPEAKER. — The hon. gentleman (Mr. Stevenson) in making discussion upon the evidence, will confine his remarks to that, and not allude to any conversations which might have taken place in the committee room, because it would probably lead to altercation and to details of facts of which the house can have no opportunity of ascertaining the truth. (Chair, chair.)⁸²

MR. STEVENSON. — I am not stating a word but what was down in the evidence. I am not alluding to any conversation. I am speaking of what was proved before the Committee. I am saying that while those who gave evidence before the Commissioners against [sic] the Warden were punished, that those who gave evidence for [sic] him were rewarded. They were appointed to situations in the Penitentiary, and it appears not to have been through their merit, for one at this time is now a prisoner in the Penitentiary, undergoing a sentence for larceny, and two have been dismissed. I only mention this because the hon. member for Compton has gone through the evidence at great length, and has given such a statement as he thought proper. I do not intend to go over this but I simply touch upon the points reported by the Committee. He has said that the Committee made up their Report from the evidence of witnesses whom he stigmatized as being very improper men to give it.⁸³

MR. SANBORN. — I did not stigmatize them at all. I said that they had been condemned for so and so, and for that reason were supposed to be strongly biased.⁸⁴

MR. STEVENSON. — He said that their evidence was not reliable; but, however, I will leave that. I believe that the house will be quite able to judge from the evidence. The hon. member for Glengary was indignant that the minority report should not be taken as well as the majority report, and he alluded to the practice in the [sic] United States. Well, I think that the practice there is not a very good one for us to follow. (Laughter and cheers.) As to the observations made about the over-zeal of the Commissioners, there is no doubt that the enquiry manifested a good deal of ability in the way that it was conducted.⁸⁵

MR. FERRES was quite astonished at the first motion which had been put before the house. He denied the power of bringing up the minority report. The hon. member for London had supposed that the Committee of which he was chairman, had taken up the written testimony as the standard testimony. No, they took both the printed and the written, and they endeavoured to find out if there were any discrepancies — (hear, hear)⁸⁶. When he [Mr. Ferres] compared the testimony published in the printed report — and which had been given to the public by the commissioners as the sole evidence that they intended to lay before the Government and the House, with the written report which had been locked up by Mr. Brown, he had no doubt whatever that any impartial person must come to the conclusion that the extracts of evidence published in the printed report, had been falsified, and that was what the report of the committee endeavoured to show.⁸⁷ He did not see how any hon. gentleman could stand up in that house and argue that what had been given to the world, is to be taken as the true testimony given before the Commissioners; and when it has been laid before the public for seven or eight years, and has been commented upon by the public press, and has been taken as the evidence of the Commissioners, whether that was not to be continued to be taken as that evidence, simply because one of the Commissioners chose to garble that evidence which he himself took, and to lock up the true testimony in his chest, and to keep it in his dark room, so that no person had ever seen it for a single hour. (Hear, hear.) What were the Committee to do? They were to take a printed report, as a report of the Commissioners, of the testimony taken before them. It might be very true that that evidence before the Commissioners was correctly taken —⁸⁸

MR. WILSON. — Hear, hear!⁸⁹

MR. FERRES. — So far as the bias of the hon. gentleman would allow him to take it. He was willing, for the sake of argument, to allow that it was correctly taken down; but who ever saw it? Why, the Commissioners themselves never saw it, after the draft report had been agreed to, and they could form no opinion upon it. If any witness examined before that Commission had read the printed report, and was conscious of what he had said before the Commissioners, he would have declared that that testimony had been falsified. Then it had been stated that Attorney General Macdonald had depended upon the fact that the original documents had been destroyed at the fire in Quebec, in order to prove his case. Why, the Attorney General made the same charge in 1850, long before the seat of Government was removed to Quebec, and when the Attorney General could have had no idea that the original evidence, even if reported to the Government, was out of the way. He had made those charges again in 1851, long before the fire in Quebec.⁹⁰

MR. HOLTON would like to know if the hon. gentleman meant that these same charges which this committee was appointed to investigate were made by the Attorney General Macdonald in 1850 and 1851; in the same language. (Oh! oh!) He desired to have that point understood.⁹¹

MR. FERRES did not know that they were the same as to word and letter. (Ironical cries of hear, hear.) Now he thought that the allusion to the Attorney General upon the supposition that the original

documents were destroyed by the fire at Quebec, was rather an ungenerous one, because the fact that the charges had been made in 1850 and 1851 sufficiently relieved that hon. gentleman from any such imputation. But an extraordinary proceeding connected with these arrangements ought now to be mentioned to the hon. gentleman who alluded to that part of the subject. It was this: that the Attorney General finding that the documents were not in the possession of the Government, and knowing that they were absolutely necessary to prove [sic] his case, called out the officers of the Government, who were supposed to know what had become of those documents, in order to show where they were, and it turned out in the course of the evidence that the belief of the gentlemen referred to in the Executive Council office, and other officers of this house was, that they had been destroyed in the fire at Quebec, or the other which took place, and the Attorney General was allowed to go on to prove to the satisfaction of the committee that those documents had been destroyed by fire, (and this was necessary before they would allow him to proceed upon secondary evidence, as to what the falsifications were,) and the hon. member for Lambton sat alongside the Attorney General and heard the whole thing, and it was not until the committee declared by resolution that the destruction of the documents were not satisfactorily proved, that the Attorney General at last called the hon. member for Lambton before the committee and asked him what had become of those documents, and he (Mr. Ferres) believed that there was not a member of the committee who had not only felt himself surprised but mortified, that he had spent so much time in proving that the documents were lost, which the hon. member for Lambton confessed he had at home in his possession. (Hear, hear.) It was evident that the hon. member and his friends had depended upon the Attorney General failing to establish his case by retaining those documents in their possession.⁹² The intention ... was, that he [Mr. Brown] thought to allow the Attorney General to go on with his case, and then produce the evidence on any point on which the witnesses might have been in error.⁹³ It had then been stated by hon. gentlemen opposite in this house, that the evidence as printed in the Blue Book was never intended to be reported as the evidence given before the Commissioners. If so it was a piece of *mala fides* upon the part of the Commissioners. Then as to the report alluding to Mr. Brown as one of the Commissioners, the order of reference told the committee that this proceeding arose out of the Commission of 1849, that it was not an individual act of Mr. Brown other than while acting in 1848 as a member and the secretary of that Commission. But the committee could only find what was put forth by that hon. gentleman as a member of that Commission, and if he had colleagues in the matter, he (Mr. Ferres) did not think it made any difference as far as the hon. gentleman was concerned, or any of those gentlemen individually, as they acted jointly, so that any objection made to the report of the committee, upon the ground that it adverts to Mr. Brown as a Commissioner, must fall to the ground.⁹⁴ He could not see why the motion now before them should have been brought up, as the report of the minority would be published along with the other report in the minutes. — When members objected to one report being published without the other, they would have shown some regard for justice if they had objected to a garbled extract from the evidence being published in a newspaper contrary to an understanding, that nothing was to be published until after the report was laid upon the table.⁹⁵ He must say that he considered the production of the minority report upon that of the majority as wrong in principle. An amendment might be submitted to the resolutions afterwards submitted upon the report of the majority. Upon the whole he supported the action of the majority of the committee.⁹⁶

MR. CHABOT objected to the discussion as out of order.⁹⁷

MR. A. DORION advocated admitting the minority Report, as just to the hon. member for Lambton. It was evident that the charges were charges not against the Commissioners, but the hon. member for Lambton. (Hear, hear.) But the report of the majority of the Committee had gone quite out of the record. There was nothing to condemn the hon. member for Lambton in their report.⁹⁸ How was the testimony reported? Was it reported by Mr. Brown himself? The report itself shows that it is only extracts. The most singular thing was that the committee, after accusing the commission, did not

venture to pronounce any opinion as to how far Mr. Brown was responsible⁹⁹ for the omissions in the evidence. (Hear, hear.) How could they come, in face of the evidence and testimony, and charge the hon. member as being guilty, when they had brought quite different and other charges against the whole of the Commissioners? (Hear, hear.) They did not report upon the charge as to subornation of perjury [sic], and it was very evident that it was an unfair report to go before the country. All the hon. member for Lambton demanded was, that the public shall know that this majority Report is only a Report of *four* members of the Committee.¹⁰⁰

MR. BROWN rose, evidently labouring under keen feeling, and said: — Mr. Speaker, I think the exhibition we have witnessed here to-day must have astonished and grieved many members of this house. Had a judge of any of our courts been present for the last three hours — had any disinterested person acquainted with the strict impartiality of British judicial proceedings, been standing past and heard the speeches of the member for Brome (Mr. Ferres) and the member for Prince Edward (Mr. Stevenson), and the cheers and partizan exclamations of their two brother committeemen (Doctors Clarke and Masson), the Attorney General East (Mr. Cartier), and other gentlemen opposite — could he possibly have conjectured what was the subject before the house? (Hear, hear.) Could he have learned that the question before us was the guilt or innocence of one of the members of this house of crimes of the deepest dye — without being shocked at the bitterness and unconcealed animosity which have been exhibited? (Hear, hear.) I ask this house to say if the words or the tone of the gentlemen who have made this majority report are such as become men charged with the duty of pronouncing on charges affecting for life the character of a fellow-member? (Hear, hear.) I ask, Sir, if in so serious a matter we might not have expected from them, a gravity of tone, a care in the use of language, and a preciseness as to facts, very different from what they have exhibited? (Hear, hear.) Were I to say, however, that I have been at all astonished at the conduct of these gentlemen, I should say what I certainly do not feel. Sir, I have sat day after day, week after week, for three long months, with these gentlemen, watching their proceedings; and their report and their conduct to-day are just what I have learnt to expect at their hands. When the proceedings of the majority of this committee are disclosed, I am convinced that a burst of indignation will assail them from all sides of the house. I am prepared to prove not only that the general course pursued by them in conducting the inquiry was irregular and most unjust to me, but that their report is a disingenuous evasion of the true issues submitted to them — that several statements made in that report, short as it is, are untrue — and that the very words of reference by this house to the committee have been deliberately garbled. (Sensation.) The words used in the reference from this house were, that the hon. John A. Macdonald having charged Mr. George Brown, “1st. with having recorded falsely the evidence of witnesses examined before the Penitentiary Commission; 2nd. with having altered the written testimony given by witnesses after their evidence was closed and subscribed; 3rd. with having suborned convicts to commit perjury; and 4th. with having obtained the pardon of murderers confined to the Penitentiary, to induce them to give false evidence, or in words substantially to the same effect; *and the said hon. John A. Macdonald having pledged himself to substantiate these charges* — that a committee of seven members be appointed to inquire and re-report with all convenient speed *as to the truth of the said charges*.” You will perceive, Mr. Speaker, that the object and scope of the committee was here clearly defined, and the position of the Attorney General in regard to them no less clearly determined. But what say the majority of the committee in their report? — “The Select Committee appointed to inquire and report as to the truth of certain charges made in the course of debate by the hon. John A. Macdonald &c.” (Hear, hear.) Why did they strike out the specific charges submitted to them? Why did they depart from the invariable Parliamentary rule of quoting the exact words of the reference? Simply because had they done so, the disingenuous evasion in their report would have been apparent — the verdict would at once have been seen by the least observant reader to be totally irrelevant to the indictment — the falsehood of the charges would have stood confessed from the failure to meet them. — (Cheers.) Nay, more Sir, I find by examining the documents brought down along with the report, that in the printed proceedings of the committee one half of the reference —

the material portion, defining the duty of the committee — has been deliberately cut out. (Loud cries of hear, hear.) They struck out the portion which pledged the Attorney General to prove his charges, and which instructed the committee to report directly as to the truth of the charges.¹⁰¹

MR. FERRES said that on Thursday, the Clerk of the Committee had called his attention to the fact, that a portion of the reference had been omitted in the printed proceedings of the committee — that he had directed the error to be corrected and a new sheet printed and substituted for this before the house.¹⁰²

MR. BROWN. — The hon. gentleman, in those silky, fawning notes, which he can assume to order, would persuade the house that this omission was a mere printer's error. Sir, it was I, and not the clerk of the committee, who pointed out the mutilation; but it was not pointed out until the committee had made up their report — it was on that garbled order of reference that they came to their conclusions. (Hear, hear.)¹⁰³

MR. SICOTTE the SPEAKER. — Am I to understand that the report now before the house is not what the committee intended to submit; but that the printer has a part of it to prepare and that it may be added to the report, at some future day, without the consideration of this house?¹⁰⁴

MR. FERRES. — When Mr. Patrick called upon me, this morning, and stated that it would be irregular to lay the report upon the table without [it] being complete, I said, in that case, I shall not present it. But two members of the committee came to me, and asked the report to be presented to-day. I told them, no, and they insisted upon my doing so. As to what took place on Thursday, I do not know whether the hon. member for Lambton told Mr. Patrick or not, I understood from what he told me that he had discovered the error in the printed copy himself.¹⁰⁵

MR. SICOTTE the SPEAKER. — That error cannot be corrected simply with the clerk and the chairman of the committee. Since that fact has come to the knowledge of the house, it is right that I should state to the house that that report cannot now be received. The whole proceeding is irregular. I regret that the hon. member for Lambton should not be allowed to address the house, after all the statements which have been made. But this house must see that it is a very irregular proceeding, that part of the report only should be laid before this house, as the report of the committee, while part of it is still in the hands of the printer.¹⁰⁶

MR. SANBORN. — I understood the Clerk to say, that the report had been handed to the Chairman, with a written addition, correcting the omission; of course the hon. member for Brome will know whether that was given to him. I wish to know whether, when he gave in the report, it contained the written addition?¹⁰⁷

MR. FERRES. — I got the report from Mr. Wilson, and gave it in as I received it.¹⁰⁸

MR. SANBORN. — I ask the hon. member for Brome, if the report with the written corrections had been furnished to him by Mr. Patrick?¹⁰⁹

MR. FERRES. — I do not know whether it was or was not. Mr. Wilson handed the papers to me.¹¹⁰

MR. BROWN. — It is a most extraordinary thing that the report should be brought here with the garbled order of reference uncorrected.¹¹¹

MR. SICOTTE the SPEAKER. — The house ought at once to refer the report back to the committee.¹¹²

MR. BROWN. — The members of the committee made up their report from this mutilated order of reference, and they must have known — ¹¹³

MR. SICOTTE the SPEAKER. — The hon. member knows that the members of the committee must be supposed here to have acted fairly. ¹¹⁴

DR. CLARKE. — I will appeal to you, Mr. Speaker, against any imputations cast on me by the hon. member for Lambton. ¹¹⁵

DR. MASSON. — I shall also appeal to you, Mr. Speaker. The hon. gentleman has been brow-beating me across the table. ¹¹⁶

MR. SICOTTE the SPEAKER. — The hon. member is wrong in making any reference to matters connected with the proceedings of the committee. ¹¹⁷

MR. BROWN. — Sir, I have patiently endured for months the injustice of these gentlemen. I have submitted to their arbitrary rulings; I have permitted them to rake up, as evidence, every slander that could be invented by the men I had convicted and condemned; I have left my reputation in their hands, uncomplainingly, for months; and shall I now have no redress against their injustice? Shall I not bring before this house and the country the treatment I have received? (Hear, hear.) Shall I not tell, that when one of Mr. McDonald's witnesses answered a question, a material question, in direct contradiction of the purpose for which the Attorney General called him, the Chairman stopped the Clerk recording the answer, and endeavoured to put different words in the mouth of the witness. (Furious cries of Order, order.) ¹¹⁸

MR. SICOTTE the SPEAKER said — Such an allegation against any member of the committee could not be brought forward in this house unless upon an accusation lodged against the member. The members of the committee are part of this house, and they have been investigating a subject by reference of this house, and they are supposed to have done their duty, and acted with a desire to do justice to all parties. If their conduct was improper a charge must be made against them. ¹¹⁹

MR. BROWN. — I have made no charge that I am not prepared to substantiate. The proceedings of this committee *must* be dragged to light. I was cited to their bar to answer charges possibly affecting my position throughout my future life, and in the lowest Court of Justice in the country such a course of procedure as was adopted towards me would be held as an outrage on propriety. But, sir, when I moved for the appointment of the committee, I well knew what was before me — I knew the selection of party judges that would be made — and I was neither surprised nor deterred when I found that four of my bitterest enemies in this house were selected by gentlemen opposite — two of them having voted against granting me the common justice of an inquiry. (Hear, hear.) But knowing the utter falsity of the charges, knowing the impossibility of proving a shadow of impropriety in my conduct, I was willing that my most bitter foes should go to work and try what they could make of it. (Cheers.) I defied them to the task. I cared not for their report. I looked only to the evidence — I knew that whatever they did, I could come down to this house with the evidence in my hand and appeal to it for a just verdict. (Cheers.) Aye, sir, and I knew that there was a power behind this house to which I could appeal. I well knew that the people of Canada are quick to detect injustice, and that I would not appeal in vain to the candour of my countrymen. (Loud cheers.) Sir, the hon. gentlemen have done their worst; it is now my turn to move — and all I ask is, that I may be tried by the evidence they have collected. When that evidence is read, it will be seen at once, not only that the charges of the Attorney General against me personally were utterly groundless, but that the insinuations against the Penitentiary Commissioners, contained in this report, are equally unfounded and unjust. I am convinced that no unprejudiced person will rise from the perusal of the evidence, without having come to the conclusion that no commission — no court of any kind — ever sat in this or any other country, whose proceedings were more accurately conducted, more fair and considerate

towards the accused, or whose conclusions were more righteous, than those of my colleagues and myself in the Penitentiary inquiry. (Hear, hear.) Let it be recollected that it is eight years since this Commission sat — that the result of our proceedings was to take out of the hands of a set of men who had controlled for many years, the management of a great institution — that, from the first day of our sitting, we were opposed and denounced, because, unflinchingly, we did our duty to the country — that the witnesses called before the Committee were the very men whose misrule we brought to an end — that they were summoned to retail all the petty slanders against the Commissioners they could rake together — let all this, I say, be borne in mind, and, I apprehend, the evidence as it stands will be pronounced a triumphant vindication of the whole proceedings of the Commission. (Cheers.) But, Mr. Speaker, the majority of the Committee have not only framed a reference for themselves — they have drawn their report to match their reference. Could anything be clearer than the four distinct issues referred to the Committee? Why did they not meet those issues directly? Why did they not say “guilty” or “not guilty” upon each of the charges? Simply, sir, because there is not a shadow of evidence to sustain one of the charges, and the verdict could only have been “not guilty.” (Hear, hear.) For this reason, and for this only, they evade the true issue; they drag in matters that have no relevancy to the charges; they decide that the five Penitentiary Commissioners did not, in their opinion, exercise a wise discretion; and they venture, under this pretext, to insinuate a verdict against me, which even they dared not have done on the direct issues submitted to them. Sir, I defy you to find a parallel to the proceedings of this Committee in the whole record of Parliamentary Committees. Had the matter submitted to them been of an ordinary character — had it been but the unseating of a member of this house — had it involved merely the worldly fortune of the party accused — one might not have been astonished that political pa[r]tizanship should have — ¹²⁰

MR. SICOTTE the SPEAKER. — The motives of the members of Committees must be respected in debate as much as the motives of the members of this house. It must be presumed by this house that they have acted as men of honour in this investigation. ¹²¹

MR. BROWN. — Sir, I bow to your decision. I wish this house distinctly to understand that while I protest against the mode in which the joint proceedings of the Commissioners have been dragged into this matter — I in no manner shrink from full responsibility for the whole proceedings of that Commission. Sir, on the contrary, I am proud of my share in it — I know that we did good service to the country — I know that every one of us acted fairly and uprightly — and I am prepared to justify every proceeding, every conclusion we arrived at. (Hear, hear.) After all the efforts of the friends of the late Warden, not one particle of evidence has been placed on record, calling in question the justice or discretion of one conclusion of the Commissioners — far less affecting the honour of their conduct. True, sir, this majority report states that variances exist between the printed report of the Commissioners and the written evidence. Undoubtedly there are variances. Not fewer than 1,300 pages of written evidence were recorded, and the report was a mere compilation of that evidence — not more, perhaps, than a fourth of it being relied on or quoted by the Commissioners in compiling their report. But is it pretended for one moment that a single word is quoted in the printed report as taken from the written evidence, which was not there? No such statement is made. The allegation is, that in seven instances the extracts from the testimony of certain witnesses given in their report by the Commissioners, was not so full as it ought to have been — that their collation of the evidence in these seven instances did injustice to Mr. Smith; and the report pronounces this a falsification of the evidence. Now, sir, how does it come that the hon. gentlemen did not quote these variances — these improper collations of the evidence? Why did they speak in generalities? Why did they not put their finger on the passages which led them to so sweeping a conclusion? Simply because there is no variance, no falsification, no injustice, no error in any one of their seven cases. (Hear, hear.) Because had they ventured to cite them they would simply have made themselves ridiculous. Sir, I will do what they have not done. I will read presently these seven cases of alleged variance; and if the house does not agree with me that a more disreputable attempt to convict one of grave charges upon the most trumpety pretext was never before recorded, I will be content to be condemned. But suppose

for a moment that all they allege were true — suppose these seven cases were grave mis-quotations by the Commissioners — that I was the ringleader and Mr. Smith the sufferer — is that the charge referred to the committee? I admit it is a grave charge. I admit that if these suppositions were true, and the committee became aware of it, they were bound to notice the fact; and I will not submit to this new charge any more than I did to those of the Attorney General. But what I want to know is, why the committee did not give a direct verdict on the charges submitted? I was charged with recording falsely the evidence given before the Commissioners; this is a specific charge — no one can mistake what it meant. Now, will any one member of the committee now rise in his place and say that there is one particle of evidence to sustain this? No one rises. Then why was I not acquitted upon it? The second charge was that I altered the evidence of witnesses, after their depositions were closed and subscribed. Will any member of the committee now rise in his place and say that there is a particle of evidence to sustain this charge? No one rises — then why was I not acquitted upon it? Why did not the Committee say that this charge was false? Sir, I was entitled to have had from these gentlemen a British verdict, guilty or not guilty — and there is not a petty jurymen [sic] in the lowest court of the country who would not have felt himself dishonoured by evading that issue. (Hear, hear.) Would not any honest jury have rejoiced to find me innocent of so vile an accusation? — Would they not have hastened to proclaim my innocence of these two charges, whatever they were compelled to record on any other? If there was a doubt would they not have given it in my favour? Not so, Sir, with a partizan majority of a Parliamentary Committee sitting in judgment on a fellow member. They mutilate the reference, that the specific charges may not appear — they avoid referring directly to those charges, but they insinuate improprieties in a totally different matter, as if it were the same. They indict me for one thing and they try me for another. (Hear, hear.) Sir, the Attorney General pledged himself to substantiate the two charges I have quoted — why did not the committee say if he had done so? Why did their printed proceedings which I hold in my hand, cut out the portion of the reference pledging him to do so?¹²²

MR. FERRES rose to speak — ¹²³

MR. BROWN requested him to sit down till he was through — ¹²⁴

MR. FERRES then crossed the floor and walked up to the front of Mr. Brown's desk — ¹²⁵

MR. SICOTTE the SPEAKER. — The hon. gentleman will see that he is interrupting the speaker in a most offensive manner.¹²⁶

MR. FERRES slunk back to his seat — ¹²⁷

MR. BROWN resumed. He said if these hon. gentlemen had read the reference, they could never have reported as they had done. The third charge made by the Attorney General was, that I had suborned convicts to commit perjury. Is there one word of evidence to establish this? Is there the slightest proof or attempt to prove that any convict swore falsely? Has the slightest attempt been made to prove that I suborned any convict, that I even conversed with any convict? There is no such evidence. Why then did not the committee say so? Why did not they acquit me on this point? But no, they drag in a tale about discharged officers, as false as it is irrelevant — and thus evade the verdict to which I was entitled. (Hear, hear.)¹²⁸ If any member of the House would take up the evidence it would be found that in the whole mass there are scarcely twenty questions relative to the issue. He [Mr. Brown] well knows that an appeal from that committee to the manliness of this House will be cordially met, and if he does not get justice here then he will appeal to the country and he knows he will be sustained.¹²⁹ The fourth and last charge of the Attorney General was, that I obtained the pardon of convicts to induce them to give false evidence. The member for Prince Edward has got up here to-day and stated that I wrote letters to the Government, asking that two convicts might be pardoned — and that they were pardoned accordingly.¹³⁰

MR. STEVENSON. — No. I did not say so!¹³¹

MR. BROWN. — I appeal to the house if he did not give us to understand that I made application of my own motion for the pardon of two convicts? (Cries of yes, yes, and shame, shame.) Now, what is the evidence on this point? Mr. Smith, the late warden, was asked if he knew whether Mr. Brown had obtained the pardon of any convicts? Mr. Smith's answer was, I heard that convicts were pardoned about the time the commission sat. Then the question was put to him — Who were these convicts? He answered, Cameron, Hennesey, and Deblois. And then this gentleman stands up in his place and insinuates that I was guilty of suborning two of these men, and speaks as if there was something of a very mysterious nature connected with them. Now, what are the facts? While the Commissioners were sitting, the government addressed them a letter stating that twelve Roman Catholic priests and the wife of a man of the name of Deblois had petitioned for his pardon; and they were called on to report whether he was a person that should be pardoned. This letter came before the Commissioners, and, upon examination, the Commissioners found that Warden Smith had already put upon record a recommendation of pardon for that very man. All the Commissioners did was to say to the Government, in reply to their demand, that they considered the man a fit subject for the Royal clemency. But what else did the Commissioners say? They stated that this man had given testimony before them prejudicial to the warden, and that if he were pardoned then, it might injure the warden in making his defence — and the result was that he was not pardoned for a year afterwards. (Hear, hear.) And as regards Cameron. This man was convicted of murdering his wife in a fit of drunkenness, and being recommended to mercy, he was sent to the Penitentiary for 14 years. The statement of the hon. member for Prince Edward conveyed the impression that this man obtained his pardon at the instance of the Commissioners and in consequence of giving evidence to please the Commissioners. That was the import of the gentleman's statement, and every word of it is utterly untrue. The Commissioners sat from May 1848 to April 1849, and Cameron's pardon was not even mooted during that time. It so happened that in August 1849, the Inspectors discovered several cases of gross injustice toward parties in confinement; this was months after the commission was broken up, and while they were acting as Inspectors. Mr. Bristow accordingly brought before the Board the names of 10 or 12 convicts whom he thought should be liberated; but of these only one had given evidence before the Commissioners, and that one was this man Cameron. After narrowly examining each case, we resolved to recommend 8 of them for pardon, and in every case, except that of Cameron, our recommendation was unconditional. In Cameron's case, we stated to the Government that if no local considerations existed why he should not be pardoned, he was otherwise a fit subject for the Royal clemency. — What was the result? The Government at our suggestion inquired into the local circumstances, — they got an unfavourable report — and of the eight men whose names we submitted, he was the only one who was not pardoned. (Hear, hear.) Cameron remained three years longer in the Penitentiary — but in 1852, three years after the commission closed, and long after we had ceased to be Inspectors, he was pardoned — and at whose instance, think you, Mr. Speaker? By the influence of the hon. member for Brome himself, (loud cries of hear, hear,) and others —¹³²

MR. FERRES shook his head and with a grin said "No!"¹³³

MR. BROWN. — Does the hon. member deny that he signed the petition which obtained Cameron's pardon? Sir, audacity could go no further — I hold a copy of the document in my hand, with his signature attached to it. (Hear, hear.) And this very man Cameron, whom the hon. gentleman got pardoned three years after the Commission closed, is one of the two convicts whom I am charged with having pardoned, to induce them to commit perjury! (Loud cries of "Shame, shame.") Sir, when the Attorney General made his charges, I was fully under the belief that Cameron was still in the Penitentiary — I had no more hand in his liberation than you had. (Hear, hear.) The third man named by Mr. Smith was convict Henesey — and I was not even aware that such a man was in existence. Neither I, nor the Commissioners, nor the Inspectors, had the slightest share in his liberation — nor is it pretended

that we had. Mr. John P. Roblin, Mr. Wilkins, and others, obtained his pardon. And yet these three are the only cases on which the fourth charge rests. I did not interest myself about the pardon of one of these men. I was not even the official agent of asking their pardon. I did not know that any one of them was pardoned. Not the slightest doubt has been attempted to be cast on the evidence these men gave before the Commissioners. And yet it is unanimously insinuated that I got two of these men pardoned to induce them to commit perjury. (Hear, hear.)¹³⁴ ... Commission find that two convicts were recommended to be paid, &c. It is untrue. I defy the hon. gentleman to say who they were.¹³⁵

MR. STEVENSON. — The names are there. Do you think I can recollect the names.¹³⁶

MR. BROWN here recapitulated the statements he had made in regard to the pardon of Deblois.¹³⁷ The charge that he [Mr. Brown] had dismissed officers of the Penitentiary because they gave evidence in favor of Mr. Smith was wholly false. The records of the Inspectors of the Penitentiary would show that there was a good and sufficient reason for the dismissal of every one of the officers. It is true that the Inspectors dismissed some of the officers of the Penitentiary, because they dare[d] not leave behind them a number of men by whom the Institution was twice wantonly and deliberately set on fire. The report brought down by the majority of the committee was a disgrace to the House; it was replete with mis-statements and falsehoods. He doubted whether the members by whom it was drawn up had even read the evidence. He did not believe that they could have done so, or they never would have dared to present such a report.¹³⁸

MR. SICOTTE the SPEAKER said as it was now near the hour of adjournment, it would be better that he should express his regret that the members of the committee should agree to bring before this house a report which was not perfect.¹³⁹ He must take upon himself a duty which devolves on the chair, and order the report of the committee to be recommitted, as it came before the House in a very confused state.¹⁴⁰

After some remarks from MR. WILSON,¹⁴¹

The report was sent back to the committee¹⁴².

(580)

Mr. *Ferres*, from the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House, read in his place, and presented to the House the Report of the said Committee.

And the attention of Mr. Speaker having been called to the fact, that the said Report was incomplete.

Ordered, That the said Report be referred back to the said Committee.

The Honorable Mr. Attorney General *Cartier* presented, pursuant to an Address to His Excellency the Governor General, — Return to an Address from the Legislative Assembly, of the 28th March last, for a copy of the Correspondence relative to the Boundary Line between this Province and the Province of *New Brunswick*, and of all the other Documents asked for by the Address.

For the said Return, see Appendix (No. 63.)

On motion of the Honorable Mr. Attorney General *Cartier*, seconded by Mr. Solicitor General *Smith*,

Ordered, That in addition to the number of Copies of the Annual Report of the Superintendent of Schools for *Upper Canada* required by the Rules of this House, a sufficient number be printed to furnish a Copy to each County Board of Public Instruction, and each Municipal and School Corporation and Local Superintendent of Schools in *Upper Canada*; and that the Order of this House, requiring all Motions for Printing to be referred to the Standing Committee on Printing, be suspended as regards this Motion.

And it being Three o'clock in the afternoon, the House was adjourned by Mr. Speaker, until Monday next, without a Question first put.¹⁴³

Footnotes

1. *Toronto Daily Leader*, 10 June 1856, reports that "the Speaker took the chair at ten o'clock." *Globe*, 13 June 1856, reports similar information.
2. *Globe*, 10 June 1856.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Hamilton Spectator Semi-Weekly*, 11 June 1856.
9. *Toronto Daily Leader*, 10 June 1856.
10. *Globe*, 10 June 1856.
11. *Toronto Daily Leader*, 10 June 1856.
12. *Globe*, 10 June 1856.
13. *Toronto Daily Leader*, 10 June 1856.
14. *Globe*, 10 June 1856.
15. *Hamilton Spectator Semi-Weekly*, 11 June 1856.
16. *Globe*, 10 June 1856.
17. *Toronto Daily Leader*, 10 June 1856.
18. *Globe*, 10 June 1856.
19. *Toronto Daily Leader*, 10 June 1856.
20. *Globe*, 10 June 1856.
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Toronto Daily Leader*, 10 June 1856.
27. *Globe*, 10 June 1856. *Toronto Daily Leader*, 10 June 1856, reports that Mr. Sanborn "quoted from May, page 295".
28. *Globe*, 10 June 1856.
29. *Quebec Gazette*, 12 June 1856.
30. *Globe*, 10 June 1856. According to the report in *Toronto Daily Leader*, 10 June 1856, Mr. Sanborn instead affirmed that "there was another ... [convict], whose petition for pardon was signed by the hon. member for Broome [sic], and nine priests from Lower Canada."
31. *Globe*, 10 June 1856.
32. *Ibid.*
33. *Ibid.*
34. *Toronto Daily Leader*, 10 June 1856.
35. *Globe*, 10 June 1856.
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Toronto Daily Leader*, 10 June 1856.
40. *Globe*, 10 June 1856.
41. *Ibid.*
42. *Toronto Daily Leader*, 10 June 1856.
43. *Globe*, 10 June 1856.

44. *Hamilton Spectator Semi-Weekly*, 11 June 1856.
45. *Globe*, 10 June 1856.
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Ibid.*
51. *Ibid.*
52. *Ibid.*
53. *Toronto Daily Leader*, 10 June 1856.
54. *Globe*, 10 June 1856.
55. *Ibid.*
56. *Ibid.*
57. *Ibid.*
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Ibid.*
63. *Ibid.*
64. *Ibid.*
65. *Ibid.*
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*
69. *Ibid.*
70. *Ibid.*
71. *Ibid.*
72. *Globe*, 13 June 1856.
73. *Globe*, 13 June 1856. The newspaper account mentioned by Mr. Stevenson was published in *Globe*, 4 June 1856.
74. *Globe*, 13 June 1856.
75. *Globe*, 13 June 1856. The information reported in the last sentence of this excerpt, as well as in Mr. Stevenson's next statements, is incorrect. It is clear from the several references to this matter throughout the debate, that Mr. Brown was in fact accused of having dismissed certain officers of the Penitentiary because they gave evidence *in favour* of Mr. Smith, the Warden. Mr. Stevenson was probably misunderstood by the reporter.
76. *Globe*, 13 June 1856.
77. *Ibid.*
78. *Ibid.*
79. *Ibid.*
80. *Ibid.*
81. *Ibid.*
82. *Ibid.*
83. *Ibid.*
84. *Ibid.*
85. *Ibid.*
86. *Ibid.*
87. *Toronto Daily Leader*, 10 June 1856.
88. *Globe*, 13 June 1856.
89. *Ibid.*
90. *Ibid.*
91. *Ibid.*
92. *Ibid.*
93. *Toronto Daily Leader*, 10 June 1856.
94. *Globe*, 13 June 1856.
95. *Hamilton Spectator Semi-Weekly*, 11 June 1856.
96. *Globe*, 13 June 1856.

97. *Globe*, 13 June 1856. In a commentary, *Globe*, 9 June 1856, reports that Mr. Chabot spoke briefly.
98. *Globe*, 13 June 1856.
99. *Toronto Daily Leader*, 10 June 1856.
100. *Globe*, 13 June 1856.
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*
105. *Ibid.*
106. *Ibid.*
107. *Ibid.*
108. *Ibid.*
109. *Ibid.*
110. *Ibid.*
111. *Ibid.*
112. *Globe*, 13 June 1856. *Toronto Daily Leader*, 10 June 1856, reports that the Speaker “decided that from the irregularity of the report it must be sent back to the committee, but that Mr. Brown might be allowed to reply to what had been stated in reference to him.”
113. *Globe*, 13 June 1856.
114. *Ibid.*
115. *Ibid.*
116. *Ibid.*
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. *Ibid.*
127. *Ibid.*
128. *Ibid.*
129. *Toronto Daily Leader*, 10 June 1856.
130. *Globe*, 13 June 1856.
131. *Ibid.*
132. *Ibid.*
133. *Ibid.*
134. *Ibid.*
135. *Globe*, 13 June 1856. Due to a major typographical error, the beginning words of this statement — wrongly attributed to Mr. Sicotte — are missing from the report of the *Globe*. The reader will note, however, that our reconstitution of this part of the debate is arbitrary, and may be inaccurate.
136. *Globe*, 13 June 1856.
137. *Ibid.*
138. *Toronto Daily Leader*, 10 June 1856. *Globe*, 13 June 1856, summarizes the end of Mr. Brown’s speech in the following manner: “The hon. gentleman went on to criticise the majority Report very severely — pointing out several palpable misstatements and unfair insinuations contained in it — but he was stopped by the arrival of the hour for adjournment.”
139. *Globe*, 13 June 1856.
140. *Toronto Daily Leader*, 10 June 1856.
141. *Globe*, 13 June 1856.
142. *Globe*, 13 June 1856. Commentaries regarding this debate and the Report of the Select Committee can be found in *Toronto Daily Leader*, 9 June 1856; *Globe*, 9, 10, and 16 June 1856; and *Montreal Transcript*, 12 June 1856.
143. *Globe*, 13 June 1856, concurs with the *Journals* as to the time of adjournment; in a short commentary, however, *Toronto Daily Leader*, 9 June 1856, reports that “the House adjourned at 4 o’clock”.

MONDAY, 9 JUNE 1856

(581)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Casault*, — The Petition of *C. Cimon* and others, of the Parish of *St. Erienne dite* [sic] *la Malbaie*.

By Mr. *Jackson*, — The Petition of the Municipality of the Township of *Bentinck*.

By Mr. Solicitor General *Ross*, — The Petition of the Municipality of the Parish of *Ste. Marie de la Beauce*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Joseph Chaurette* and others, of the Parish of *Ste. Geneviève*; of *Theodore Letang* and others, of the Parish of *St. Joachim de la Pointe Claire*; of *Damase Paquin* and others, of the Parish of *St. Raphaël*; and of *Eusèbe Viau* and others, of the Parish of *St. Laurent*; praying for the abolition of Tithes.

Of the Municipality of the Townships of *Logan*, *Elma*, and *Wallace*; of the Municipality of the Township of *Blanchard*; and of the Municipality of the Township of *North Easthope*; praying for certain amendments to the Assessment Law of *Upper Canada*.

Of the Reverend *Robert Wallace* and others, Members of the Presbyterian Church of *Ingersoll*; of the Reverend *Alexander MacLean*, on behalf of the *East Puslinch* Presbyterian Congregation; and of *Alexander Clark* and others, Members of the Presbyterian Congregation of *Grafton*, Township of *Haldimand*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of the Municipality of the Township of *Osnabruck*; praying that Representation may be based upon Population.

MR. GAMBLE presented a Report from a Select Committee on Mr. Cameron's Bill in reference to Foreign Insurance Companies, and moved that the house go into committee on said Bill forthwith.¹

MR. J.S. MACDONALD opposed the motion. He was entirely opposed to the bill not only as unnecessary but as establishing an unjust monopoly [sic].²

MR. HOLTON also objected to the motion.³

MR. SOL. GEN. H. SMITH hoped the member for Glengary would allow the House to go into committee on the bill, as the old bill was unobjectionable, and if the new clause did not meet the consent of the House, it might be withdrawn.⁴

MR. J.S. MACDONALD hoped the hon. member would not press his motion. It was taking the House by surprise, by moving the House into committee on the bill, involving a new principle, — imposing great restrictions on Foreign Insurance Companies.⁵ The proper course was to move that it go into committee on some future day. He considered that a Bill which introduced an entirely new principle should not be passed without the most mature deliberation.⁶

MR. SICOTTE the SPEAKER read the rule on the subject, which he interpreted to mean that the hon. member might move the Bill into committee forthwith, and it was for the majority of the house to say whether that should be agreed to.⁷

MR. GAMBLE defended the Bill. He said ... it would allow Foreign Insurance Companies to carry on operations under proper restrictions⁸. The object of introducing the bill was to protect their home

institutions, and shut out all bogus Companies. It did not establish any monopoly, but would, on the contrary, offer greater inducements to Foreign Insurance Companies.⁹

MR. PATRICK could not see any objection to going into committee at once.¹⁰

SIR A. MACNAB differed from the ruling of the Speaker.¹¹ [He] did not think it reasonable to ask the house to go into committee on the bill, at once. — When a committee had reported a bill it was customary to name a special day for going into committee on the bill, in order that these hon. gentlemen who had a particular interest in the measure, might be present.¹²

MR. SICOTTE the SPEAKER said that in such cases as the present, the rules of the House of Commons authorized the Speaker not to permit a bill reported from a special committee to be considered in committee of the whole on the same day; but the rule of the Canadian Parliament was directly the opposite.¹³

MR. BROWN thought the interpretation of the rule by the Speaker was quite correct, but in a matter of such importance he did not think the member for South York should press his motion¹⁴ till due notice had been given. He was, however, prepared to vote against the bill whenever it came up.¹⁵

MR. GAMBLE then moved that the Bill be referred to a Committee of the Whole on Thursday.¹⁶

(581) Mr. *Gamble* reported from the Select Committee on the Bill in relation to Foreign Insurance Companies and Insurance Agents, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, that the Bill and Report be committed to a Committee of the whole House, for Thursday next.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-first Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to enable the Town Council of the Town of *St. Catharines* to sell and convey certain land purchased by the said Council for the purpose of a Public Cemetery, and have agreed to report the same, without any amendment.

Also the following Bills with several amendments, which they submit for the consideration of Your Honorable House: —

Bill to incorporate the Society called “The Union of *St. Joseph*, of *Montreal*.”

Bill to separate the County of *Peel* from the County of *York*.

Bill to authorize the City of *London* to negotiate a Loan of One hundred thousand pounds, and to consolidate the Debt of the said City.

The last mentioned Bill Your Committee have amended, by limiting the amount of the Loan to Sixty-three thousand pounds, being the amount of the outstanding Debentures referred to in the Bill as constituting the present Debt of the said City, and, also, by striking out such of its provisions as authorize the raising of money for other purposes.

On motion of MR. CHISHOLM,¹⁷

(581) *Ordered*, That the Bill to separate the County of *Peel* from the County of *York*, as reported
(582) from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Bellingham* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the report be now received.

Mr. *Bellingham* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act to amend the Act to provide for the better organization of Agricultural Societies in *Lower Canada*, and for other purposes connected with Agriculture in *Upper and Lower Canada*:"

Bill, intituled, "The *Lower Canada* Judicature Amendment Act of 1856:"

Bill, intituled, "An Act to authorize *Henry Augustus Fitzgerald McLeod* to practise as a Provincial Land Surveyor:"

Bill, intituled, "An Act to amend the Act of Incorporation of the *Woodstock and Lake Erie* Railway and Harbour Company."

And then he withdrew.

Ordered, That the Bill to enable the Town Council of the Town of *St. Catharines* to sell and convey certain land purchased by the said Council for the purpose of a Public Cemetery, be read the third time To-morrow.

On motion of MR. WILSON,¹⁸

(582)

Ordered, That the Bill to authorize the City of *London* to negotiate a Loan of One hundred thousand pounds, and to consolidate the Debt of the said City, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Aikins* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Aikins* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to incorporate the Society called "The Union of *St. Joseph*, of *Montreal*," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

MR. A. DORION moved that the house do go into Committee of the Whole on the Bill¹⁹.

MR. BELLINGHAM would like to know if the Government intended to go on with the Ecclesiastical Corporations Bill, as if they did, there was no necessity for going into committee on the bill of the hon. member for Montreal.²⁰ He had a Bill of his own to incorporate a Protestant College, but had delayed it on account of that general measure, and it would be very unfair if his Bill should slip through, while other[s] incorporating Institutions of a different character were passed.²¹

MR. FELTON trusted the Government would distinctly explain the course they intended to pursue with respect to the general measure. Several bills on the notice paper had been kept back under the impression that the Ecclesiastical Incorporations Bill would be pushed through by the Government. And it was very hard that those measures should be lost by the Government failing to fulfil their promise to proceed with the general measure. It was too unfair to their late colleague, the member for Shefford, not to state their intentions respecting this bill, for which the hon. gentleman had been so undeservedly censured in *Lower Canada*.²²

MR. J.S. MACDONALD would ask the Government, as a favor, when they intended to bring forward the general measure.²³

MR. AT. GEN. J.A. MACDONALD said, he had formerly stated that the Bill of the member for Montreal might go through committee, and if Mr. Drummond's became law, then it might be dropped before the third reading.²⁴ [OR] [He] explained that the hon. member for Montreal, when speaking to him with reference to the House going into committee on his bill, stated that when the general measure for the Incorporation of Charitable Institutions were passed, he would be willing to let his measure drop. And he hoped that hon. member would postpone his motion.²⁵

MR. HOLTON. — What do the Government intend to do with the general measure?²⁶

MR. AT. GEN. J.A. MACDONALD replied that the hon. gentleman had already heard the Ministerial explanation, that the Government²⁷ intend to push through all their measures. But we cannot forget that we have only a majority of four — (hear, hear) — and cannot speak with the same confidence of what we will do, as if we had a majority of twenty-four.²⁸

MR. BROWN said he presumed the rumor was not true, which had been circulated, to the effect that in the other House, Col. Tache had stated the Government would not go on with the bill.²⁹

MR. AT. GEN. J.A. MACDONALD. — I am not aware what declaration on the subject has been made by the Premier of the Government.³⁰

MR. BROWN said that such at all events was the rumor; and the course taken by the Government respecting the measure strengthened the report.³¹ There are many Bills standing on the orders, which are dependent on the passage of that measure. And there is surely no difficulty in passing it. The Attorney General's argument about only having a majority of four, applies admirably to the question whether they should not resign and allow a stronger Government to be formed, but it does not apply to a Bill which we are all anxious to pass. There is not a single opponent to it in the whole house.³²

MR. THIBAUDEAU — (Ironically). — Hear, hear. (Laughter.)³³

MR. BROWN. — Ah! There we have it. (Laughter.) As I have said, there are a great many private Bills dependent on the passage of this, and if the Government intend to put it through, let it be done at once.³⁴

MR. AT. GEN. J.A. MACDONALD. — This is the first time I have seen an attempt to dictate to the Government, how we are to carry on our business. We do not ask hon. gentlemen to share our responsibility.³⁵

MR. A. DORION (Montreal,) explained that his measure had been one of the first on the orders of the day three months and a-half ago, but he had postponed it at the request of the late Attorney General East, who subsequently introduced as a Government measure, the bill for the Incorporation of Charitable Institutions. Now for several days past this general measure had been one of the first orders of the day, yet the Government would not allow it to be proceeded with — taking up subsequent measures in preference. Therefore it was that he now moved the House into committee on his bill, which he was perfectly willing to drop in the passage of the general measure.³⁶

MR. BOWES would object to going into committee on this bill — the House having lately refused to give him permission to have a bank bill referred to a Committee of the Whole.³⁷

MR. FELTON then moved that the House do [not] now go into committee, but that the consideration of the said bill be postponed until the Ecclesiastical Incorporations [sic] Bill, introduced into this House, shall have been disposed of.³⁸

MR. FREEMAN maintained that the House had a right to know from the hon. Attorney General what the Government intended to do with the general measure. It appeared that they were afraid of the measure, and if they felt themselves unable to carry it, they certainly had no right to occupy their seats.³⁹

MR. AT. GEN. J.A. MACDONALD warned those hon. gentlemen having private measures, that if they neglected them, the Government was not to blame. The Government, as he had before stated, intended going on with their measures as speedily as possible. Of course the fate of those measures was very problematical.⁴⁰

MR. HOLTON hoped the hon. member for Wolf[e] would withdraw his motion, and allow the House to go into committee.⁴¹

MR. FREEMAN asked if the Government would give no more distinct answer, whether they intend to pass the late Attorney General East's Bill?⁴²

MR. AT. GEN. J.A. MACDONALD. — No!⁴³

MR. FREEMAN. — Then I understand the Government to mean that they will not pledge themselves to use their united efforts to carry through that Bill.⁴⁴

MR. PATRICK hoped the hon. member for Wolf[e] would withdraw his motion and allow the House to go into committee on the bill, as it was evident the Government was only trifling with the general measure.⁴⁵

MR. FELTON said he was disposed to withdraw his motion then, but if the Government failed in bringing forward their general measure, he would certainly make it or a similar motion again.⁴⁶

The motion was then withdrawn and the House went into committee.⁴⁷

(582)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Papin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

(583)

Ordered, That the Bill be read the third time To-morrow.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Twentieth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following documents referred to them, and recommend that they be printed, viz: —

Return to an Address for Statement of sale of Seigniories on which *Droit de Quint* was payable; the amount of said *Droit*; if not paid, the reason why. The usual number of copies: Estimated cost, Nine pounds ten shillings.

Return of Commutation of Tenure effected within the *Censive* of the Seigniorie of *Lauzon*, and elsewhere, within the Jesuits' Estates and Crown Domain. The usual number of copies: Estimated cost, Twenty-three pounds.

Return in part to an Address for a Return giving the names, official title, and amount of annual salary of each individual upon the Permanent Staff connected with the following Departments of the Public Service in this Province, viz: — Executive Council; Civil Secretary's Office; Provincial Secretary's Office; Provincial Registrar's Office; Receiver General's Office; Inspector General's Office, different Branches; Crown Lands Department, different Branches; Crown Law Offices, East and West; General Post Office Department; Educational Department; Public Works; Indian Department; Legislative Council; Legislative Assembly; Adjutant General's Office; Geological Department; and Bureau of Agriculture. The usual number of copies: Estimated cost, Twenty pounds.

And the Report of the Select Committee appointed to inquire as to the best means of suppressing the vice of Drunkenness; the number of copies, Two thousand in each Language: Estimated cost, Thirty-five pounds.

Your Committee recommend that the following documents referred to them, be not printed, viz: —

Return to an Address for copies of all documents relative to certain Lots of Land in the Township of *Orford*, granted to the heirs of the late Honorable *W.B. Felton*. Estimated cost, Sixteen pounds.

And the Petition of *O. Robitaille* and others, of the City of *Quebec*; representing that the complaints made against *John Maguire*, Esquire, Police Magistrate of *Quebec*, are devoid of truth and groundless. Estimated cost, One pound fifteen shillings.

The Honorable Mr. *Rolph*, from the Standing Committee on Expiring Laws, presented to the House the Report of the said Committee; which was read, as followeth: —

Your Committee have carefully examined the List of Expiring Laws as prepared by the Law Clerk of Your Honorable House, and recommend the continuation of the following Acts and Ordinances to the first day of January next, and from thence until the end of the then next ensuing Session of Parliament, and no longer: —

The Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, "An Act to regulate the Fisheries in the District of *Gaspé*:"

The Act of the said Parliament, passed in the seventh year of Her Majesty's Reign, and intituled, "An Act to prevent obstructions in Rivers or Rivulets in *Upper Canada*," as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, "An Act to amend, explain, and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers and Rivulets in *Upper Canada*,' " and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, "An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in *Upper Canada*," and both the said last mentioned Acts:

The Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, "An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in the progress of construction," as amended and extended by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, "An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, 'An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in progress of construction,' and to extend the operation thereof to certain works undertaken by Incorporated Companies," and the said last mentioned Act:

The Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, "An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in *Lower Canada*:"

The Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, "An Act for the relief of Insolvent Debtors in *Upper Canada*, and for other purposes therein mentioned," except the forty-fourth Section of the said Act:

The Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, "An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath:"

The Act of the said Parliament, passed in the Session held in the tenth and eleventh year of Her Majesty's Reign, and intituled, "An Act to enlarge the powers of the Trinity House of *Montreal*, in certain cases where the Public Health of the City may be endangered:"

The Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, "An Act to provide for the Inspection of Butter in *Quebec* and *Montreal*:"

The Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, "An Act for the better management of the Provincial Penitentiary:"

The Act passed in the same Session, and intituled, "An Act to provide a more summary and less expensive process for Proprietors of Real Property in *Lower Canada* to acquire possession thereof, when illegally detained from them in certain cases," as amended by the Act, passed in the sixteenth year of Her Majesty's Reign, and intituled, "An Act to amend the Act fourteenth and fifteenth *Victoria*, chapter ninety-two, relating to the illegal detention of Real Property in *Lower Canada*," and the said last mentioned Act:

The Act of the said Parliament, passed in the sixteenth year of Her Majesty's Reign, and intituled, "An Act relating to the Fisheries on the *Labrador* and North Shore of the Gulf of *St. Lawrence*:"

The Act of the Parliament of the late Province of *Lower Canada*, passed in the second year of the Reign of His late Majesty King *George* the Fourth, and intituled, "An Act for better regulating the Common of the Seigneurie of *Laprairie de la Madeleine*:"

The Act of the said Parliament, passed in the same year of the same Reign, and intituled, "An Act to enable the inhabitants of the Seigneurie of *La Baie Saint Antoine*, commonly called *La Baie du Febvre*, to provide for the better regulation of the Common in the said Seigneurie," as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, "An Act to authorize the Chairman and Trustees of the Common of the Signiory of the *Baie Saint Antoine*, commonly called the *Baie du Febvre*, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same:"

The Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, "An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province:"

The Act of the said Parliament, passed in the same year of the same Reign, and intituled, "An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province:"

The Act of the said Parliament, passed in the same year of the same Reign, and intituled, "An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases:"

The Act of the said Parliament, passed in the same year of the same Reign, and intituled, "An Act to alter and amend An Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief *Grosbois*, in the County of *Saint Maurice*, to make regulations for the Common of the said Fief:' "

The Act of the said Parliament, passed in the same year of the same Reign, and intituled, "An Act for the preservation of the Salmon Fisheries in the Counties of *Cornwallis* and *Northumberland*:"

The Act of the said Parliament, passed in the first year of the Reign of His late Majesty King *William* the Fourth, and intituled, "An Act to encourage the destruction of Wolves:"

The Act of the said Parliament, passed in the third year of the same Reign, and intituled, "An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes:"

The Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, "An Act to provide for the Medical Treatment of sick Mariners," as amended by the Act of the Parliament of *Canada*, passed in the eighth year of Her Majesty's Reign, and intituled, "An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned," and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, "An Act to exempt certain Vessels from the Duty imposed by the Act to provide for the Medical Treatment of sick Mariners," and both the said last mentioned Acts:

The Act of the Parliament of the late Province of *Upper Canada*, passed in the eleventh year of the Reign of His late Majesty King *George* the Fourth, and intituled, "An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District:"

The Act of the said Parliament, passed in the third year of the Reign of His late Majesty King *William* the Fourth, and intituled, "An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District

to provide for the relief of Insane destitute persons in that District,' and to extend the provisions of the same to the other Districts of this Province:"

And the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, "An Act to repeal an Act, passed in the forty ninth year of the Reign of His late Majesty King *George* the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals."

(586)

Your Committee also recommend that the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, "An Act to repeal an Ordinance of *Lower Canada*, intituled, 'An Ordinance concerning Bankrupts and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of *Canada*," and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, "An Act to continue and amend the Bankrupt Laws now in force in this Province," in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending," and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, "An Act to afford relief to Bankrupts in certain cases," shall respectively be continued, and remain in force until the said first day of January, one thousand eight hundred and fifty-seven, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Your Committee also recommend that the Act of the Parliament of the late Province of *Lower Canada* aforesaid, passed in the sixth year of the Reign of His late Majesty King *William* the Fourth, and intituled, "An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases," shall be and is hereby continued to the said first day of January, one thousand eight hundred and fifty-seven, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of *Lower Canada*, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, "An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to persons charged with indictable offences."

Your Committee also recommend that the period limited by the Act of Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, "An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of *Hastings*," as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of *Hastings* to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, "An Act to remedy certain defects in the Registration of Titles in the County of *Hastings*, in *Upper Canada*," or of the Act of the said Parliament, passed in the Session held in tenth and eleventh years of Her Majesty's Reign, and intituled, "An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of *Hastings*, in *Upper Canada*,' " or to endorse any Deed, Conveyance, Will, or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and fifty seven, and thence until the end of the then next ensuing Session of the Provincial Parliament.

The Honorable Mr. *Merritt*, from the Select Committee to which was referred the petition of the Honorable Sir *Allan N. MacNab*, President of the Committee for building *Brock's* Monument, presented to the House the Report of the said Committee; which was read, as followeth:—

By reference to the 55 *Geo.* 3, cap. 15, it appears that the Legislature of *Upper Canada*, in 1815, granted One thousand pounds for the purpose of erecting a Monument to commemorate the memory of Sir *Isaac Brock*.

In 1824 the Building Committee report, for the information of the House of Assembly, that including private subscriptions by individuals, there remained in their hands the sum of Two

(587)

thousand pounds. A further sum of Six hundred pounds was granted under the 7 *Geo.* 4, cap. 30 to complete the work, making in all near Three thousand pounds.

This Monument was wantonly destroyed in 1837; but public feeling in *Upper Canada* was immediately and powerfully expressed in favor of its restoration. Subscriptions for this purpose were commenced; and in 1841 a Committee of the Legislative Assembly report, that the sum of Two thousand eight hundred pounds had been subscribed and invested in Debentures of the Province: but this sum was deemed insufficient to rebuild the Monument, or to justify a commencement of the work.

In 1844-5 the Inhabitants on the Frontier petitioned the Legislature for an inquiry into the cause of delay. In 1848 the *Niagara* District Council petitioned the Legislature urging its commencement; and in 1849 the same body renewed their application.

It will be seen from the statement appended hereto, that from the judicious investments made by the Treasurer of the Committee, *Thomas G. Ridout*, Esquire, the subscription of Two thousand eight hundred pounds, in 1841, had increased to Six thousand nine hundred and ninety pounds, in 1856, and in a few years would have realized a sufficient sum, without any further public aid. However, as soon as an amount was realized to cover the estimated cost, — plans, specifications, and estimates were submitted to public competition; and in July 1853, a contract was entered into with Mr. *John Worthington*, Builder, on the design and under the superintendence of *William Thomas*, Esquire, Architect, to rebuild the Monument for the sum of Five thousand three hundred and fifty pounds.

From the Report of the Architect appended hereto, it appears, however, that in consequence of the increased price of material and labor, an additional cost of One thousand and seventy-one pounds eighteen shillings and six pence has been incurred.

On the completion of the Monument in August next, there will be due, under the present contract, Two thousand two hundred and sixty-two pounds ten shillings.

There will also be required for the payment of the adjoining Land, Lodge, Approaches, and Fencing, the sum of Three thousand three hundred and thirty-five pounds, making in all Five thousand five hundred and ninety seven pounds ten shillings.

This Monument is the only National Structure which commemorates the gallant defence of *Canada*, and should, in the opinion of Your Committee, be completed in a style worthy of the heroic deeds performed during the memorable struggle which continued through three successful Campaigns on our Frontier.

Your Committee therefore recommend the necessary advances to be made for the completion of the Monument without delay, and for inclosing the same as soon as practicable.

The *Brock* Monument Fund Committee in Account Current with *Thomas G. Ridout*,
Treasurer.

DR.	£	s.	d.	CR.	£	s.	d.
To amount of Preliminary Expenses, from 24th November, 1840, to 15th May, 1843	295	13	7	By amount of Subscriptions received by the Treasurer from 15th September, 1840, to 10th June, 1843	3392	2	7
To amount of Expenses from 4th December, 1852, to 5th November, 1853	61	15	11	By amount accumulated by Investments during the period of the Treasurer's management, from 15th September, 1840, to the present time	3598	2	4
To amount expended in the erection of the Monument, from 27th September, 1853, to 19th January, 1856	6402	10	7				
Balance in hands of the Treasurer.	230	4	10				
	6990	4	11		6990	4	11

Toronto, 9th May, 1856.

Thomas G. Ridout,
Treasurer.

(588)

To the Honorable the Legislative Assembly of *Canada*, in Provincial Parliament assembled.

The Petition of the Committee appointed to superintend the erecting of the building of *Brock's Monument*.

Humbly Sheweth, — That in pursuance of Resolutions adopted many years ago, at a Public Meeting of the Inhabitants of *Canada*, held upon *Queenston Heights*, measures were taken for restoring the Monument to the memory of the late Major General Sir *Isaac Brock*, which had been wantonly destroyed.

That the sum which was subscribed for the purpose not being, in the first instance, sufficient for erecting such a Monument as was desired, it was allowed to accumulate many years at interest, until a Fund was thus produced equal to the estimated cost.

That some impatience having been expressed at the delay, Your Petitioners, who had been appointed to superintend the work, lost no time in proceeding so soon as they were in a condition to undertake it; and they have the satisfaction to state, that the Column is now completed, and as they trust in a manner that will be deemed worthy of the Province, and of the memory of the Hero whose noble conduct and lamented death it is designed to commemorate.

That in order to provide for the due preservation of the Monument, and for enclosing and ornamenting the ground which Her Majesty's Government may permit to be attached to it, a considerable sum will be required, according to an Estimate, which has been prepared at the request of Your Petitioners, and which accompanies this Petition.

And Your Petitioners humbly pray that Your Honorable House will take the circumstances of the case into consideration, and render such aid as will enable Your Petitioners to execute what remains to be done in a manner suited to the noble Structure which has been erected, and to the grandeur and beauty of the scene which it will so strikingly adorn, and worthy of the field which will be surveyed with proud and grateful emotions by the People of *Canada* to remote generations.

And Your Petitioners, as in duty bound, will ever pray.

Allan N. MacNab,
P.B. Committee.

Toronto, March 20th, 1856.

The Committee for the Erection of *Brock Monument, Queenston, C.W.:*

Gentlemen, — The amount of the Contract entered into with Mr. *John Worthington*, for the erection of the *Brock Monument*, exclusive of the Fosse enclosure, Military Trophies, &c., at the base of the said Monument, amount to £5350 0 0

In addition to which there has been an increased expenditure consequent on removal of site and other unforeseen circumstances, of 1071 18 6
£6421 18 6

The erection of the Enclosure with sunk Fosse at the base and Military Trophies, according to the original design 1300 0 0
Balance of Contract for Monument alone 630 0 0
Allowance of Claim by Committee for Sundries 332 10 0

Making in the whole, on the completion of this portion, the sum required £2262 10 0

This work will be completed about the 1st September next.

In addition to which there will be required to erect the Lodge Entrance, fencing the Grounds, and forming the Roads, the following amounts, viz: —

The Lodge Entrance, Gateway, Stone walling, &c. £1835 0 0
Fences, Roads, and laying out Grounds, &c. 1500 0 0
£3335 0 0

The amount subscribed in the Treasurer's hands being nearly expended, they will require an additional sum to carry into execution the foregoing works of at least Five thousand four hundred pounds. From various circumstances, viz, the removal of the site to its present improved

(589)

situation on the Heights, which involved considerable expense, and the difficulty of obtaining the large-sized stones required, and the great extra cost of labor since the original design was determined on, has caused the expenditure to be much larger than was at first anticipated, although it may now be stated as a matter of fact, that it will be by far the cheapest construction of the kind yet erected.

I remain, Gentlemen,
Your obedient Servant,
William Thomas.

Ordered, that Mr. Solicitor General *Smith* have leave to bring in a Bill to continue for a limited time the several Acts and Ordinances therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of Mr. *Hartman*, seconded by Mr. *Antoine Aimé Dorion*,

Ordered, That the time for receiving Reports on Private or Local Bills be further extended from Tuesday the tenth, to Friday the thirteenth instant.

The Honorable Mr. Attorney General *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 5th ultimo, praying His Excellency to cause to be laid before the House, a Return of the names of County Court Judges in *Upper Canada*, the dates of their appointments, the population within their respective jurisdiction, and the amount of Fees paid from the several Counties to the Fee Fund for the years 1853, 1854, and 1855.

For the said Return, see Appendix (No. 64.)

Supplementary Return to an Address of the Legislative Assembly, dated 28th April, 1856, for copy of Presentments made by the Grand Jury at *Montreal*, in March last.

For the said Return, see Appendix (No. 65.)

Ordered, That the Bill to incorporate certain persons under the name and style of the Lake *Huron* Transit Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. *Mackenzie* have leave to bring in a Bill to enable Trustees of Common Schools in *Upper Canada* to sell School Houses or School Sites when no longer required.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,

Ordered, That the Orders of the day be now read.

And the Order of the day for the House again in Committee on the Bill to authorize the improvement of Water-courses, being read;

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Laberge* reported, that the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Laberge* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The second order was — "Resuming the adjourned debate on Mr. Brown's motion relative to Sec-tarian Schools, and on Mr. Felton's amendment thereto, and on the hon. Mr. Spence's amendment to Mr. Felton's," (adjourned for five weeks from the beginning of May, on motion of Dr. Masson.)⁴⁸

MR. BROWN said he apprehended the house was now prepared to come to a division on this measure, which had been already so fully debated, he would not, therefore, discuss the matter further.⁴⁹

MR. AT. GEN. J.A. MACDONALD would object to the motion⁵⁰. It was the understanding on Friday night, that to-day till six o'clock, should be appropriated to private Bills.⁵¹

MR. BROWN. — The understanding had reference to measures in the hands of private members.⁵²

MR. MACKENZIE ... [was] of a similar opinion.⁵³

MR. HOLTON. — The undertaking [sic] was, that Bills in the hands of private members should be taken up. But if we are all ready for a division, there will be no time lost.⁵⁴

MR. HARTMAN. — We have discussed the question sufficiently, having sat out a whole night upon it. I do not see why the Attorney General should object to a division being taken at once.⁵⁵

Cries of "call in the members."⁵⁶

MR. AT. GEN. J.A. MACDONALD. — There was a distinct understanding that the time till six o'clock, should be appropriated to private Bills.⁵⁷

MR. MACKENZIE. — What are the Government afraid of? (Hear, hear.)⁵⁸

MR. SICOTTE the SPEAKER. — The arrangement was, that only *Bills* in the hands of private members should be proceeded with⁵⁹ until six o'clock..., and [at] the half-past seven o'clock sitting, they had agreed to take up Government measures.⁶⁰

MR. BROWN. — Then, Mr. Speaker, do I understand you to allow the Government to escape from the position in which they find themselves? (Chair, chair.)⁶¹

MR. SICOTTE the SPEAKER. — I merely state what was the understanding. The matter will keep its place on the orders.⁶²

The order was finally set aside.⁶³

The third order was — "Receiving report of Committee of Whole on Bill for Incorporation of Religious and other Societies — Hon. Mr. Drummond."⁶⁴

MR. DRUMMOND. — I understand the Government will have no objection to let this measure be brought up immediately after the recess.⁶⁵

MR. AT. GEN. J.A. MACDONALD. — We are to go on with the Supplies to-night.⁶⁶

MR. DRUMMOND. — I understood from a member of the Government, that I might proceed with it this evening.⁶⁷

MR. AT. GEN. J.A. MACDONALD. — No, no.⁶⁸

MR. DRUMMOND. — I understood from Col. Tache that I might proceed with it this evening.⁶⁹

MR. AT. GEN. J.A. MACDONALD said he had not seen Col. Tache on the subject, and was not aware of any such understanding; and as the House intended to proceed with the Supplies after 6 o'clock, they could not take it up at present.⁷⁰ Perhaps the hon. member will let the matter stand till to-morrow.⁷¹

The subject then dropped.⁷²

(590) The Order of the day for the second reading of the Bill to authorize the alienation in certain cases of certain portions of property charged with Substitution, being read;
 Ordered, That the said Order be discharged.
 Ordered, That the Bill be withdrawn.

The next order taken up was — “Second reading Bill to amend Separate School Act — Mr. Bowes.”⁷³

MR. BOWES said he did not wish to press the second reading, as he believed a majority of the house was against the bill. (Cries of “Go on!”)⁷⁴

MR. FELTON, as the seconder of that bill in its introduction,⁷⁵ asked if he would be permitted to move the second reading, when the gentleman in charge of the bill refused to do so?⁷⁶ (Hear, hear.)⁷⁷

MR. BOWES. — I look upon the Bill as one which ought to be passed; but I believe a majority of the house are opposed to it.⁷⁸

MR. FELTON. — I wish to know if I can move the second reading. I have been requested by the parties interested in the bill to do so.⁷⁹

MR. BROWN mentioned several instances in which bills, dropped by the gentlemen who had introduced them, had been taken charge of by other members. The hon. gentleman (Mr. Bowes) should face the matter out, and get his bill disposed of one way or another.⁸⁰

MR. BOWES. — If the hon. member for Lambton will pledge himself to vote for the bill, I will bring it up.⁸¹

MR. BROWN. — I will pledge myself to vote against it. (Laughter.)⁸²

MR. BOWES then moved that the order be discharged, and that the bill be read a second time on Thursday next.⁸³

MR. FELTON. — I move in amendment that the said bill be read a second time forthwith.⁸⁴

MR. SICOTTE the SPEAKER. — As the order of the house is that the bill be read to-day, the amendment is unnecessary. It will serve the same purpose to vote against discharging the order.⁸⁵

MR. FELTON said that, if he understood rightly the ruling of the chair, by voting against the motion of the member for Toronto, he stood in the same position as if he were to vote for the second reading to-day. He did not admire the course taken by the member for Toronto in this matter. He came forward with a bill, professing his intention to ameliorate the conditions of the Roman Catholics, while all the time, as he had said just now, he believed in his heart that the bill could not be carried. He (Mr. F.) maintained that the Roman Catholics were entitled to this measure.⁸⁶ [He] then entered into a minute statement of his views on this question. He explained that although Separate Schools were established in Upper Canada, they could not be fully and [sic] efficiently worked. The chief object of introducing the present measure was, that when the tax-gatherer for the common schools came round, that any person producing his receipt of subscription to the Separate Schools, should not be asked to subscribe to the Common Schools.⁸⁷ At present, an individual, before he pays a tax to support a school according to his own religious belief, was obliged to hunt up an officer of a different faith, and claim an exemption, a right to support his own school, and get that in writing. They should not be subjected to that necessity. He put it to the Protestants of Lower Canada, how they would like to be placed in that position. If they gave

the Roman Catholics Separate Schools, they should give them facilities for carrying them out. They should either take this course, or with the member for Lambton, sweep Separate Schools away altogether.⁸⁸

At six o'clock, MR. SICOTTE the SPEAKER reminded the House that the debate on the measure then before it, could not be resumed, the House having set apart the evening session for Government measures.⁸⁹ The present debate would stand first on the Orders of the Day for to-morrow.⁹⁰

(590)

The Order of the day for the second reading of the Bill to amend the 12th Clause of the Separate School Act of 1855, being read;

Mr. *Bowes* moved, seconded by Mr. *Crawford*, and the Question being proposed, That the Bill be read a second time on Thursday next;

And it being Six o'clock, Mr. Speaker left the Chair.

At half-past Seven o'clock, Mr. Speaker resumed the Chair.⁹¹

Mr. *Casault*, from the Committee of Supply, reported several Resolutions; which were read, as follow: —

1. *Resolved*, That a sum, not exceeding Three hundred pounds, currency, be granted to Her Majesty, for the Salary of the Provincial Aide-de-Camp, for the year 1856.

2. *Resolved*, That a sum, not exceeding One thousand three hundred and fifty-seven pounds ten shillings, currency, be granted to Her Majesty, for the Salaries of six Clerks in the Offices of the Adjutant General of Militia Department, for the year 1856.

3. *Resolved*, That a sum, not exceeding Ninety-three pounds fifteen shillings, currency, be granted to Her Majesty, for the Salary of a Messenger in the Offices of the Adjutant General of Militia Department, for the year 1856.

4. *Resolved*, That a sum, not exceeding Four hundred pounds, currency, be granted to Her Majesty, for the Salaries of two Inspecting Field Officers of Volunteer Militia, for the half-year ended the 30th June, 1856, at the rate of Two hundred pounds each.

5. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, for the Salaries of two Storekeepers of Armouries, for the four months ended the 30th June, 1856, at the rate of Seventy-five pounds, per annum, each.

6. *Resolved*, That a sum, not exceeding Five hundred and forty pounds, currency, be granted to Her Majesty, for the Salaries of eighteen Assistant Adjutants General, for the year ended the 30th June, 1856.

7. *Resolved*, That a sum, not exceeding Three thousand one hundred and eighteen pounds, currency, be granted to Her Majesty, for the maintenance of sixteen Troops of Cavalry, each ten days Drill, for the year ended 30th June, 1856.

8. *Resolved*, That a sum, not exceeding Three thousand five hundred and sixty-one pounds, currency, be granted to Her Majesty, for the maintenance of six Field Batteries of Artillery, each 20 days Drill, for the year ended 30th June, 1856.

(591)

9. *Resolved*, That a sum, not exceeding Seven hundred and five pounds, currency, be granted to Her Majesty, for the maintenance of five Companies of Foot Artillery, for the year ended the 30th June, 1856.

10. *Resolved*, That a sum, not exceeding Three thousand eight hundred and twenty pounds, currency, be granted to Her Majesty, for the maintenance of forty Companies of Riflemen, 70 men each, for the year ended the 30th June, 1856.

11. *Resolved*, That a sum, not exceeding One thousand two hundred pounds, currency, be granted to Her Majesty, for Contingent Expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other incidental expenses attending the Militia Active Force, for the year ended 30th June, 1856.

12. *Resolved*, That a sum, not exceeding Eight hundred pounds, currency, be granted to Her Majesty, for the Salary of the Speaker of the Legislative Council, for the year 1856.

13. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for the Salary of the Clerk of the Legislative Council, for the year 1856.

14. *Resolved*, That a sum, not exceeding Four hundred pounds, currency, be granted to Her Majesty, for the Salary of the Clerk-Assistant and *French* Translator of the Legislative Council, for the year 1856.

15. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, for the Salary of the Law Clerk of the Legislative Council, for the year 1856.

16. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, for the Salary of the Chaplain and Librarian of the Legislative Council, for the year 1856.

17. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Salary of the Gentleman Usher of the Black Rod, for the year 1856.

18. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Salary of the Serjeant-at-Arms to the Legislative Council, for the year 1856.

19. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Salary of the Head Messenger to the Legislative Council, for the year 1856.

20. *Resolved*, That a sum, not exceeding Sixty pounds, currency, be granted to Her Majesty, for the Salary of the Doorkeeper to the Legislative Council, for the year 1856.

21. *Resolved*, That a sum, not exceeding One hundred and thirty-five pounds, currency, be granted to Her Majesty, for the Salaries of three Messengers to the Legislative Council, for the Session, at Forty-five pounds each.

22. *Resolved*, That a sum, not exceeding Seven thousand six hundred and fifty pounds, currency, be granted to Her Majesty, for the Contingent Expenses of the Legislative Council, for the year 1856.

23. *Resolved*, That a sum, not exceeding Seven thousand three hundred and fifty pounds, currency, be granted to Her Majesty, for Indemnity to the Members of the Legislative Council for their attendance, at Twenty shillings per diem, including Travelling at Six-pence per mile, for the distance between the place of residence of such Member and the place at which the Session is held, for the year 1856.

(592) 24. *Resolved*, That a sum, not exceeding Eight hundred pounds, currency, be granted to Her Majesty, for the Salary of the Speaker of the Legislative Assembly, for the year 1856.

25. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for the Salary of the Clerk of the Legislative Assembly, for the year 1856.

26. *Resolved*, That a sum, not exceeding Four hundred pounds, currency, be granted to Her Majesty, for the Salary of the Clerk Assistant of the Legislative Assembly, for the year 1856.

27. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for the Salary of the Law Clerk and *English* Translator of the Legislative Assembly, for the year 1856.

28. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, for the Salary of the Clerk of the Crown in Chancery, for the year 1856.

29. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Salary of the Serjeant-at-Arms of the Legislative Assembly, for the year 1856.

30. *Resolved*, That a sum, not exceeding Sixty-two thousand pounds, currency, be granted to Her Majesty, for the Contingent Expenses of the Legislative Assembly, (exclusive of Indemnity to Members,) for the year 1856.

31. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Contingent Expenses of the Clerk of the Crown in Chancery, for the year 1856.

32. *Resolved*, That a sum, not exceeding One hundred and sixty-six pounds thirty shillings, currency, be granted to Her Majesty, towards the Salary of the Deputy Provincial Registrar and *French* Translator to Government, for the year 1856.

33. *Resolved*, That a sum, not exceeding One hundred and twenty-five pounds, currency, be granted to Her Majesty, for the Salary of an additional Clerk in the Eastern Branch of the Provincial Secretary's Office, for the year 1856.

34. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, for additional Salary to the Post Master General, for the year 1856.

35. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, for additional Salary to the Chief Commissioner of Public Works, for the year 1856.

36. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, for additional Salary to the Honorable *H.H. Killaly*, for Engineering Services on the *Welland Canal*, for the year 1856.

37. *Resolved*, That a sum, not exceeding Three hundred and thirty-three pounds seven shillings and five pence, currency, be granted to Her Majesty, for additional Salary to the Clerks in the Provincial Secretary's Office, for the year 1856.

38. *Resolved*, That a sum, not exceeding Four hundred and sixty-five pounds seventeen shillings, currency, be granted to Her Majesty, for additional Salary to the Clerks in the Provincial Registrar's Office, for the year 1856.

39. *Resolved*, That a sum, not exceeding Three hundred and ninety pounds, currency, be granted to Her Majesty, for additional Salary to the Clerks in the Receiver General's Office, for the year 1856.

40. *Resolved*, That a sum, not exceeding Six hundred and fifty-six pounds five shillings, currency, be granted to Her Majesty, for additional Salary to the Clerks in the Inspector General's Office, for the year 1856.

41. *Resolved*, That a sum, not exceeding Two hundred and seventy pounds, currency, be granted to Her Majesty, for additional Salary to the Clerks in the Customs Branch of the Inspector General's Office, for the year 1856.

(593)

42. *Resolved*, That a sum, not exceeding Five hundred and seventeen pounds seventeen shillings and one penny, currency, be granted to Her Majesty, for the Salaries of two Extra Clerks in the Receiver General's Office, for the year 1856.

43. *Resolved*, That a sum, not exceeding Seven hundred and forty-two pounds ten shillings, currency, be granted to Her Majesty, for the Salary of one Chief Engineer in the Department of Public Works, from the 1st February to the 31st December, 1856, at the rate of Eight hundred and ten pounds per annum.

44. *Resolved*, That a sum, not exceeding Four hundred and twenty-one pounds thirteen shillings and four pence, currency, be granted to Her Majesty, for the Salary of one Assistant Engineer and Draughtsman in the Department of Public Works, for the same period, at the rate of Four hundred and sixty pounds per annum.

45. *Resolved*, That a sum, not exceeding Three hundred and sixty-eight pounds nineteen shillings and two pence, currency, be granted to Her Majesty, for the Salary of one Book Keeper in the Department of Public Works, for the same period, at the rate of Four hundred and two pounds ten shillings per annum.

46. *Resolved*, That a sum, not exceeding Three hundred and two pounds ten shillings, currency, be granted to Her Majesty, for the Salary of one Chief Clerk in the Department of Public Works, for the same period, at the rate of Three hundred and thirty pounds per annum.

47. *Resolved*, That a sum, not exceeding Two hundred and twenty-nine pounds three shillings and four pence, currency, be granted to Her Majesty, for the Salary of one Clerk in the Department of Public Works, for the same period, at the rate of Two hundred and fifty pounds per annum.

48. *Resolved*, That a sum, not exceeding One hundred and thirty-seven pounds ten shillings, currency, be granted to Her Majesty, for an addition of Salary to the Clerk in the Department of Public Works when performing the duty of Paymaster, for the same period, at the rate of One hundred and fifty pounds per annum.

49. *Resolved*, That a sum, not exceeding Four hundred fifty-eight pounds six shillings and eight pence, currency, be granted to Her Majesty, for the Salaries of two Clerks in the Department of Public Works, for the same period, at the rate of Two hundred and fifty pounds, per annum, each.

50. *Resolved*, That a sum, not exceeding Ninety-five pounds six shillings and eight pence, currency, be granted to Her Majesty, for the Salary of one Office Keeper in the Department of Public Works, for the same period, at the rate of One hundred and four pounds per annum.

51. *Resolved*, That a sum, not exceeding One hundred and eight pounds seventeen shillings and one penny, currency, be granted to Her Majesty, for the Salary of one Messenger in the Department of Public Works, for the same period, at the rate of One hundred and eighteen pounds fifteen shillings, per annum.

52. *Resolved*, That a sum, not exceeding Eighty-five pounds eighteen shillings and nine pence, currency, be granted to Her Majesty, for the Salary of another Messenger in the Department of Public Works, for the same period, at the rate of Ninety-three pounds fifteen shillings per annum.

53. *Resolved*, That a sum, not exceeding Seventy-six pounds, currency, be granted to Her Majesty, for additional Salary to one Messenger in the Receiver General's Office, two in the Provincial Secretary's Office, and one in the Office of the Governor General's Secretary, at Nineteen pounds each, for the year 1856.

54. *Resolved*, That a sum, not exceeding Thirty-nine pounds sixteen shillings and eight pence, currency, be granted to Her Majesty, for additional Salary to the Housekeeper and Messenger in the Inspector General's Office, for the year 1856.

55. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, for the Salary of a Messenger in the Provincial Registrar's Office, for the year 1856.

(594)

56. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, for the Salary of the Clerk attached to the Inspector General's Department to look after the interests of the Crown in respect to the *Quebec* Fire Loan, for the year 1856.

57. *Resolved*, That a sum, not exceeding One hundred and eighty-three pounds, currency, be granted to Her Majesty, for the Salary of the Clerk arranging the Public Archives, &c., at *Montreal*, at Ten shillings per diem, for the year 1856.

58. *Resolved*, That a sum, not exceeding One hundred and forty pounds, currency, be granted to Her Majesty, for additional Salary to the Permanent Clerk of the Crown Law Department, for the year 1856.

59. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, for the Salary of a Clerk in the Customs Branch of the Inspector General's Department, for the year 1856.

60. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for the Salaries of two Check Clerks in the Customs Branch of the Inspector General's Department, at the rate of Two hundred and fifty pounds each, for the year 1856.

61. *Resolved*, That a sum, not exceeding Four hundred pounds, currency, be granted to Her Majesty, for the Salary of the Secretary to the Bureau of Registration and Statistics, for the year 1856.

62. *Resolved*, That a sum, not exceeding Three hundred pounds, currency, be granted to Her Majesty, for the Salary of the First Clerk and Accountant in the Bureau of Registration and Statistics, for the year 1856.

63. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, for the Salary of the Second Clerk in the Bureau of Registration and Statistics, for the issue and Register of Patents, for the year 1856.

64. *Resolved*, That a sum, not exceeding Two hundred and twenty-five pounds, currency, be granted to Her Majesty, for the Salary of the Third Clerk in the Bureau of Registration and Statistics, for the year 1856.

65. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, for the Salary of the Fourth Clerk in the Bureau of Registration and Statistics, for the year 1856.

66. *Resolved*, That a sum, not exceeding Five hundred and twenty-five pounds, currency, be granted to Her Majesty, for the Salaries of two Extra Clerks in the Bureau of Registration and Statistics, for the year 1856.

67. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, for the Salaries of two Messengers to the Bureau of Registration and Statistics, at the rate of Seventy-five pounds each, for the year 1856.

68. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, for Contingencies in the Bureau of Registration and Statistics, for the year 1856.

69. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for additional Salary to the Auditor of Public Accounts, for the year 1856.

70. *Resolved*, That a sum, not exceeding Two hundred and eighty-six pounds five shillings and three pence, currency, be granted to Her Majesty, for the Salary of a Book Keeper in the Auditor's Office, from the 17th January to 31st December, 1856, at the rate of Three hundred pounds per annum.

71. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds one shilling and three pence, currency, be granted to Her Majesty, for the Salary of a Clerk in the Auditor's Office, from the 1st January to the 31st March, at Thirteen shillings and nine pence per diem, and from the 1st April to 31st December, 1856, at the rate of Two hundred and fifty pounds per annum.

(595)

72. *Resolved*, That a sum, not exceeding Two hundred and twenty-five pounds twelve shillings and six pence, currency, be granted to Her Majesty, for the Salary of an Accountant in the Auditor's Office, from the 1st January to the 31st March, at Twelve shillings and six pence per diem, and from 1st April to 31st December, 1856, at Two hundred and fifty pounds per annum.

73. *Resolved*, That a sum, not exceeding Three hundred and fifty-three pounds ten shillings, currency, be granted to Her Majesty, for the Salary of two Clerks in the Auditor's Office, from the 1st January to the 31st March, at Ten shillings per diem, each, and from the 1st April to the 31st December, 1856, at One hundred and seventy-five pounds each.

74. *Resolved*, That a sum, not exceeding Three hundred pounds, currency, be granted to Her Majesty, for the Salary of one Clerk in the Auditor's Office, for the year 1856.

75. *Resolved*, That a sum, not exceeding Two hundred and one pounds six shillings, currency, be granted to Her Majesty, for the Salary of an Extra Clerk in the Provincial Secretary's Office, at Eleven shillings per diem, for the year 1856.

76. *Resolved*, That a sum, not exceeding Four hundred and fifty-seven pounds ten shillings, currency, be granted to Her Majesty, for the Salaries of two Extra Clerks in the Executive Council Office, at Twelve shillings and six pence per diem, each, for the year 1856.

77. *Resolved*, That a sum, not exceeding Eight hundred and sixteen pounds fifteen shillings, currency, be granted to Her Majesty, for the Salaries of three Extra Clerks in the Receiver General's Office; one at Three hundred and eighteen pounds per annum, one at Two hundred and seventy pounds per annum, and one at Two hundred and twenty-eight pounds fifteen shillings per annum, for the year 1856.

78. *Resolved*, That a sum, not exceeding Sixty-six pounds thirteen shillings and four pence, currency, be granted to Her Majesty, for the Pension of *William Ginger*, as late Serjeant-at-Arms to the Legislative Council of *Lower Canada*, for the year 1856.

79. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Pension of *Samuel Waller*, as late Clerk of Committees to the House of Assembly of *Lower Canada*, for the year 1856.

80. *Resolved*, That a sum, not exceeding One hundred and thirty-three pounds six shillings and eight pence, currency, be granted to Her Majesty, for the Pension of *William Coates*, as late Writing Clerk to the House of Assembly of *Upper Canada*, for the year 1856.

81. *Resolved*, That a sum, not exceeding Twenty pounds, currency, be granted to Her Majesty, for the Pension of *John Bright*, as late Messenger to the Legislative Council of *Upper Canada*, for the year 1856.

82. *Resolved*, That a sum, not exceeding Twenty pounds, currency, be granted to Her Majesty, for the Pension of *Louis Noreau*, as late Messenger to the Legislative Council of *Lower Canada*, for the year 1856.

83. *Resolved*, That a sum, not exceeding Eighteen pounds, currency, be granted to Her Majesty, for the Pension of *Pierre Lacroix*, as late Messenger to the Legislative Council of *Lower Canada*, for the year 1856.

84. *Resolved*, That a sum, not exceeding Eighteen pounds, currency, be granted to Her Majesty, for the Pension of *François Rodrigue*, as late Messenger to the House of Assembly of *Lower Canada*, for the year 1856.

85. *Resolved*, That a sum, not exceeding Eighteen pounds, currency, be granted to Her Majesty, for the Pension of *Louis Gagné*, as late Messenger to the House of Assembly of *Lower Canada*, for the year 1856.

(596)

86. *Resolved*, That a sum, not exceeding Twenty pounds, currency, be granted to Her Majesty, for the Pension of *Jacques Brien*, for wounds received in the Public Service, for the year 1856.

87. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, for an allowance to Mrs. *McDonell* on her claim for Dower on a certain property taken by the late *Welland Canal Commissioners*, for the year 1856.

88. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, for the Pension of Mrs. Widow *Antrobus*, for the year 1856.

89. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Pension of Mrs. *Catharine Smith*, as widow of the late Mr. Justice *Pyke*, for the year 1856.

90. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for the Pension of Widow *McCormick*, for the year 1856.

91. *Resolved*, That a sum, not exceeding Four hundred pounds, currency, be granted to Her Majesty, for the Pension of *G.B. Faribault*, Esquire, as late Assistant Clerk of the Legislative Assembly, for the year 1856.

92. *Resolved*, That a sum, not exceeding One thousand pounds, currency, be granted to Her Majesty, as an Aid to the Commissioners for the relief of Indigent Sick at *Quebec*, for the year 1856.

93. *Resolved*, That a sum, not exceeding One thousand pounds, currency, be granted to Her Majesty, as an Aid to the Commissioners for the relief of Indigent Sick at *Montreal*, for the year 1856.

94. *Resolved*, That a sum, not exceeding Seven hundred pounds, currency, be granted to Her Majesty, as an Aid to the Commissioners for the relief of Indigent Sick at *Three Rivers*, for the year 1856.

95. *Resolved*, That a sum, not exceeding One thousand pounds, currency, be granted to Her Majesty, as an Aid to the Corporation of the General Hospital at *Montreal*, for the year 1856.

96. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the Managers of the Protestant Female Orphan Asylum at *Quebec*, for the year 1856.

97. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the Ladies' Benevolent Society, *Montreal*, for Widows and Orphans, for the year 1856.

98. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Roman Catholic Orphan Asylum, Quebec*, for the year 1856.

99. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Montreal Protestant Orphan Asylum*, for the year 1856.

100. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the Male Orphan Asylum, *Quebec*, for the year 1856.

101. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the Charitable Association of the Ladies of the *Roman Catholic Asylum at Montreal*, for the year 1856.

102. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Aid to the Protestant Orphans' Home and Female Aid Society at *Toronto*, for the year 1856.

103. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Roman Catholic Orphan Asylum at Toronto*, for the year 1856.

(597)

104. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, as an Aid to the University Lying-in Hospital at *Montreal*, for the year 1856.

105. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, as an Aid to the Lying-in Hospital at *Montreal*, under the care of the *Sœurs de la Miséricorde*, for the year 1856.

106. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, as an Aid to the Lying-in Hospital at *Toronto*, for the year 1856.

107. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, as an Aid to the Asylum of the Good Shepherd at *Quebec*, for the year 1856.

108. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, as an Aid to the *Hospice de la Maternité* at *Quebec*, for the year 1856.

109. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the General Hospital *des Sœurs de la Charité* at *Montreal*, for the year 1856.

110. *Resolved*, That a sum, not exceeding Three hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to *Les Sœurs de la Providence* at *Montreal*, for the year 1856.

111. *Resolved*, That a sum, not exceeding Fourteen thousand pounds, currency, be granted to Her Majesty, as an Aid towards the support of the Lunatic Asylum at *Toronto*, for the year 1856.

112. *Resolved*, That a sum, not exceeding Ten thousand pounds, currency, be granted to Her Majesty, as an Aid towards the support of a Temporary Lunatic Asylum at *Beauport*, near *Quebec*, for the year 1856.

113. *Resolved*, That a sum, not exceeding Eight hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Hamilton* Hospital, for the year 1856.

114. *Resolved*, That a sum, not exceeding Two thousand pounds, currency, be granted to Her Majesty, as an Aid to the *Toronto* General Hospital, for the year 1856.

115. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Toronto* House of Industry, for the year 1856.

116. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid towards the relief of the Indigent Sick at *Kingston*, for the year 1856.

117. *Resolved*, That a sum, not exceeding One thousand pounds, currency, be granted to Her Majesty, as an Aid to the *Kingston* General Hospital, for the year 1856.

118. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Kingston Hôtel-Dieu* Hospital, for the year 1856.

119. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the Protestant Hospital at *Bytown*, for the year 1856.

120. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Roman* Catholic Hospital at *Bytown*, for the year 1856.

121. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be grnted [sic] to Her Majesty, as an Aid to the *Hamilton* Orphan Asylum, for the year 1856.

122. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Hamilton Roman* Catholic Orphan Asylum, for the year 1856.

123. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to *St. Patrick's* Hospital, *Montreal*, for the year 1856.

124. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Eye and Ear Institution, *Montreal*, for the year 1856.

125. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Montreal* Dispensary, for the year 1856.

126. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Canada* Military Asylum for Widows and Orphans, *Quebec*, for the year 1856.

127. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Montreal* House of Refuge, for the year 1856.

128. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the Medical Faculty, *McGill* College, for the year 1856.

129. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the School of Medicine, *Montreal*, for the year 1856.

130. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the School of Medicine, *Kingston*, for the year 1856.

131. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Literary and Historical Society, *Quebec*, for the year 1856.

132. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Natural History Society, *Montreal*, for the year 1856.

133. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *St. Mary's* Institute, County of *Perth*, for the year 1856.

134. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Institute of *St. Roch*, for the year 1856.

135. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Literary Institute, *Laprairie*, for the year 1856.

136. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Literary Institute, *Sherbrooke*, for the year 1856.

137. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Sherbrooke* Library Association and Mechanics' Institute, for the year 1856.

138. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Hamilton* Mercantile Library Association, for the year 1856.

139. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to Mr. *Juneau's* Literary Institution, for the year 1856.

140. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Montreal* Mercantile Library Association, for the year 1856.

141. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Canadian* Institute at *Toronto*, for the year 1856.

142. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the Athenæum at *Toronto*, for the year 1856.

(599)

143. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Huron* Library Association and Mechanics' Institute, for the year 1856.

144. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Teachers' Association at *Quebec*, for their Library, for the year 1856.

145. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Montreal* Home and School of Industry, for the year 1856.

146. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the Library Association at *Quebec*, for the year 1856.

147. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Canadian* Institute at *Quebec*, for the year 1856.

148. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Canadian* Institute at *Montreal*, for the year 1856.

149. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Aid to the *Canadian* Institute at the City of *Ottawa*, for the year 1856.

150. *Resolved*, That a sum, not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the Deaf and Dumb Institution near *Montreal*, for the year 1856.

151. *Resolved*, That a sum, not exceeding Three thousand nine hundred pounds, currency, be granted to Her Majesty, as an Aid to Mechanics' Institutes, for the year 1856.

152. *Resolved*, That a sum, not exceeding Forty thousand pounds, currency, be granted to Her Majesty, for the Contingent Expenses of the Administration of Justice in *Upper* and *Lower Canada*, not otherwise provided for, for the year 1856.

153. *Resolved*, That a sum, not exceeding Eleven thousand five hundred pounds, currency, be granted to Her Majesty, for the support of the Provincial Penitentiary at *Kingston*, for the year 1856.

154. *Resolved*, That a sum, not exceeding Three thousand eight hundred pounds, currency, be granted to Her Majesty, for Salaries of four Judges in *Lower Canada*, for the year 1856.

155. *Resolved*, That a sum, not exceeding One hundred and ninety-four pounds nine shillings, currency, be granted to Her Majesty, for additional Salary to the Judge in the District of *St. Francis*, for the year 1856.

156. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, for additional Salary to *John Black*, Clerk in the Registrar's Office, Court of Chancery, for the year 1856.

157. *Resolved*, That a sum, not exceeding Seventy-five pounds, currency, be granted to Her Majesty, for additional Salary to *William Stanley*, Clerk in the Master's Office, Court of Chancery, for the year 1856.

158. *Resolved*, That a sum, not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, for additional Salary of a supernumerary Clerk of the Court of Queen's Bench, and Clerk of Summonses, *Toronto*, for the year 1856.

159. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, for additional Salary of an Extra Clerk in the Office of the Attorney General West, for the year 1856.

160. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Allowance to Keepers of Depots of Provisions on the River *St. Lawrence*, with the view to the relief of shipwrecked persons, for the year 1856.

(600)

161. *Resolved*, That a sum, not exceeding Three hundred and fifty pounds, currency, be granted to Her Majesty, for providing Provisions for such Depots, for the year 1856.

162. *Resolved*, That a sum, not exceeding Twenty-five pounds currency, be granted to Her Majesty, as an Allowance to *Pierre Brochu* for residing on *Kempt* Road to assist Travellers thereon, for the year 1856.

163. *Resolved*, That a sum, not exceeding Twenty-five pounds, currency, be granted to Her Majesty, as an Allowance to *Jonathan Noble* for the same purpose, for the year 1856.

164. *Resolved*, That a sum, not exceeding Twenty-five pounds, currency, be granted to Her Majesty, as an Allowance to a Resident at the foot of the *Medepedia* [sic] for the same purpose, for the year 1856.

165. *Resolved*, That a sum, not exceeding Twenty-five pounds, currency, be granted to Her Majesty, as an Allowance to a Resident at *Assametquagan* for the same purpose, for the year 1856.

166. *Resolved*, That a sum, not exceeding Six thousand pounds, currency, be granted to Her Majesty, for the expense of Printing and Binding the Laws, for the year 1856.

167. *Resolved*, That a sum, not exceeding Two thousand five hundred pounds, currency, be granted to Her Majesty, for other Printing and Subscription to and Advertising in the *Official Gazette*, for the year 1856.

168. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for expense of Distributing the Laws, for the year 1856.

169. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, to meet unforeseen expenses in the various branches of the Public Service, for the year 1856.

170. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, as the Proportion of Expenses of keeping up Light Houses on the Isles of *St. Paul* and *Scatterie*, in the Gulf, for the year 1856.

171. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, to defray the expense of the *Quebec* Observatory, for the year 1856.

172. *Resolved*, That a sum, not exceeding One thousand two hundred pounds, currency, be granted to Her Majesty, to defray the expense of the Observatory at *Toronto*, for the year 1856.

173. *Resolved*, That a sum, not exceeding One thousand five hundred pounds, currency, be granted to Her Majesty, for expenses of Commissioners appointed to enquire into matters connected with the Public Service, under Act 9 *Vic. cap. 38*, for the year 1856.

174. *Resolved*, That a sum, not exceeding One thousand one hundred pounds, currency, be granted to Her Majesty, for New Indian Annuities, for the year 1856.

175. *Resolved*, That a sum, not exceeding Two thousand and seventy-five pounds, currency, be granted to Her Majesty, for expenses of protecting the Fisheries in the Gulf of *St. Lawrence*, for the year 1856.

176. *Resolved*, That a sum, not exceeding Ten thousand eight hundred and twenty-one pounds, currency, be granted to Her Majesty, for the temporary maintenance of the *Rideau* and *Ottawa* Canal, from 1st April, 1856, to 31st March, 1857.

177. *Resolved*, That a sum, not exceeding Thirty-six pounds and nine pence, currency, be granted to Her Majesty, as one year's Rent of the Protestant Burying Ground in *St. John's* Suburbs, *Quebec*, including arrears of Twelve pounds fifteen shillings and nine pence, for the year 1856.

(601)

178. *Resolved*, That a sum, not exceeding One thousand pounds, currency, be granted to Her Majesty, as an Aid to the Board of Agriculture of *Upper Canada*, for the year 1856.

179. *Resolved*, That a sum, not exceeding One thousand pounds, currency, be granted to Her Majesty, as an aid to the Board of Agriculture of *Lower Canada*, for the year 1856.

180. *Resolved*, That a sum, not exceeding One thousand and twenty-one pounds, currency, be granted to Her Majesty, for expenses of the Boundary Line between *New Brunswick* and *Canada*, for the year 1856.

181. *Resolved*, That a sum, not exceeding One hundred and two thousand and fifteen pounds sixteen shillings and six pence, currency, be granted to Her Majesty, to make good various indispensable Expenses of the Civil Government incurred during the year 1855, as detailed in Statement A, of the Public Accounts, laid before the Legislature.

182. *Resolved*, That a sum, not exceeding Eight thousand pounds, currency, be granted to Her Majesty, for expenses for the Services of One hundred and fifty of the Embodied Pensioners on permanent duty in *Upper Canada*, for the year 1856.

183. *Resolved*, That a sum, not exceeding Two thousand four hundred and thirty-three pounds six shillings and eight pence, currency, be granted to Her Majesty, as Compensation for Pensioners in lieu of Land.

184. *Resolved*, That a sum, not exceeding Three hundred pounds, currency, be granted to Her Majesty, as Salary of a Medical Superintendent for Criminal Lunatics at the Penitentiary, for the year 1856.

185. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for Contingent Expenses of the same, including the Salaries of the Keepers, for the year 1856.

186. *Resolved*, That a sum, not exceeding One thousand seven hundred and seven pounds eighteen shillings and seven pence, currency, be granted to Her Majesty, as Balance of Tonnage Duties, *Quebec*, to 31st January, 1856, as per Statement No. 14, Public Accounts, 1855, page 207.

187. *Resolved*, That a sum, not exceeding Two thousand seven hundred and thirty-one pounds three shillings and three pence, currency, be granted to Her Majesty, as Balance of Emigration Expenses, as per Statement, No. 18, Public Accounts, page 212.

188. *Resolved*, That a sum, not exceeding Three thousand pounds, currency, be granted to Her Majesty, as an Aid towards Emigration Expenses for the year 1856.

189. *Resolved*, That a sum, not exceeding Two hundred and twenty-one pounds one shilling and ten pence, currency, be granted to Her Majesty, as Balance of Expenses of Water Police, *Quebec*, as per Statement No. 17, Public Accounts, 1855, page 214.

190. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, as the Amount required to meet the deficiency of the same Fund for the year 1856.

191. *Resolved*, That a sum, not exceeding One thousand seven hundred and fifty pounds, currency, be granted to Her Majesty, for expenses of River Police, *Montreal*, during the past winter.

192. *Resolved*, That a sum, not exceeding Fifty pounds, currency, be granted to Her Majesty, for a Safe for the Court House at *St. Francis*.

193. *Resolved*, That a sum, not exceeding One hundred and forty-two pounds fourteen shillings and four pence, currency, be granted to Her Majesty, for expenses of a Detachment of Enrolled Pensioners at *Fort Malden, Amherstburg*, from 25th March to 24th June, 1855.

(602)

194. *Resolved*, That a sum, not exceeding Two thousand pounds, currency, be granted to Her Majesty, for the formation of a collection of *Canadian* Products, to be placed in the *Sydenham* Crystal Palace, *London*, including the remuneration and travelling expenses of Mr. Perry.

195. *Resolved*, That a sum, not exceeding Six thousand pounds, currency, be granted to Her Majesty, for Salaries and Contingencies of the Commissioners appointed for the revision, consolidation, and classification of the Ordinances and Public General Statutes of *Canada*.

196. *Resolved*, That a sum, not exceeding Two thousand pounds, currency, be granted to Her Majesty, for expenses in compiling, preparing, and printing the Tables and Index to the Laws in force.

197. *Resolved*, That a sum, not exceeding One thousand one hundred and eleven pounds two shillings and two pence, currency, be granted to Her Majesty, as an Aid to the *Upper Canada* College, for the year 1856.

198. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to the *Victoria* College, for the year 1856.

199. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to Queen's College, for the year 1856.

200. *Resolved*, That a sum, not exceeding Seven hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to *Regiopolis* College, *Kingston*, for the year 1856.

201. *Resolved*, That a sum, not exceeding Six hundred pounds, currency, be granted to Her Majesty, as an Aid to the Grammar Schools of the Counties of *Brant*, *Elgin*, *Grey*, *Lambton*, *Ontario*, and *Halton*, at One hundred pounds each, for the year 1856.

202. *Resolved*, That a sum, not exceeding Three hundred and fifty pounds, currency, be granted to Her Majesty, as an Aid to *St. Michael's* College, *Toronto*, for the year 1856.

203. *Resolved*, That a sum, not exceeding Two hundred pounds, currency, be granted to Her Majesty, as an Aid to the College at *Bytown*, for the year 1856.

204. *Resolved*, That a sum, not exceeding One hundred pounds, currency, be granted to Her Majesty, as an Aid to the Grammar School in *Welland*, for the year 1856.

205. *Resolved*, That a sum, not exceeding Five thousand pounds, currency, be granted to Her Majesty, as an Aid towards Superior Education in *Lower Canada*, for the year 1856.

206. *Resolved*, That a sum, not exceeding Thirty-five thousand pounds, currency, be granted to Her Majesty, being an additional sum for Common Schools in *Upper* and *Lower Canada*, for the year 1856.

207. *Resolved*, That a sum, not exceeding Twenty-nine thousand two hundred pounds, currency, be granted to Her Majesty, for Ocean Steam Service, for the year 1856.

208. *Resolved*, That a sum, not exceeding Six thousand seven hundred and fifty pounds, currency, be granted to Her Majesty, for Tug Service between *Montreal* and *Kingston*, for the year 1856.

209. *Resolved*, That a sum, not exceeding Eleven thousand three hundred pounds, currency, be granted to Her Majesty, for Tug Service below *Quebec*, for the year 1856.

210. *Resolved*, That a sum, not exceeding Ten thousand pounds, currency, be granted to Her Majesty, for the purchase of Arms, Accoutrements, and Ammunition for the Militia of *Canada*, for the year 1856.

211. *Resolved*, That a sum, not exceeding Four thousand one hundred pounds, currency, be granted to Her Majesty, for forming and protecting foundations of Light House on *Pointe Pelée* Reef, for the year 1856.

212. *Resolved*, That a sum, not exceeding Eight thousand pounds, currency, be granted to Her Majesty, for Light Houses on Lake *Huron*, for the year 1856.

213. *Resolved*, That a sum, not exceeding Thirteen thousand and forty-nine pounds, currency, be granted to Her Majesty, for Lantern[s], Lenses, Revolving Machinery, Lamps, &c., for Light Houses in course of construction, for the year 1856.

214. *Resolved*, That a sum, not exceeding Fifteen thousand pounds, currency, be granted to Her Majesty, for Light Houses in the Gulf of the *St. Lawrence*, and Straits of *Belleisle*, for the year 1856.

215. *Resolved*, That a sum, not exceeding Eight thousand pounds, currency, be granted to Her Majesty, for Lanterns, Lenses, Machinery, Lamps, &c., for the year 1856.

216. *Resolved*, That a sum, not exceeding Seven thousand six hundred and thirty-four pounds and nine shillings, currency, be granted to Her Majesty, for *Scugog* and Inland Navigation of the *Newcastle* District, for the year 1856.

217. *Resolved*, That a sum, not exceeding Two thousand seven hundred pounds, currency, be granted to Her Majesty, for River *Ottawa* Works (lumbering), for the year 1856.

218. *Resolved*, That a sum, not exceeding Two thousand two hundred and fifty-five pounds, currency, be granted to Her Majesty, for River *St. Maurice* (lumbering), for the year 1856.

219. *Resolved*, That a sum, not exceeding Two thousand pounds, currency, be granted to Her Majesty, for the *Burlington Bay* Canal, for the year 1856.

220. *Resolved*, That a sum, not exceeding Three thousand five hundred pounds, currency, be granted to Her Majesty, for Dredging, Vessels, Steam Pumps, &c., for the year 1856.

221. *Resolved*, That a sum, not exceeding Five thousand six hundred and eighty pounds, currency, be granted to Her Majesty, for completion of Marine Hospital at *Quebec*, for the year 1856.

222. *Resolved*, That a sum, not exceeding One thousand five hundred pounds, currency, be granted to Her Majesty, for completion of Post Office at *Hamilton*, for the year 1856.

223. *Resolved*, That a sum, not exceeding Seven thousand four hundred and thirty-six pounds, currency, be granted to Her Majesty, for Repairs and Rents of Public Buildings, for the year 1856.

224. *Resolved*, That a sum, not exceeding Nineteen thousand pounds, currency, be granted to Her Majesty, for expenditure of Removal of Seat of Government, since 1st January, for the year 1856.

225. *Resolved*, That a sum, not exceeding Twenty-eight thousand pounds, currency, be granted to Her Majesty, for expenditure on Public Buildings, Furniture, &c., at *Toronto*, since 1st January, for the year 1856.

226. *Resolved*, That a sum, not exceeding Three thousand pounds, currency, be granted to Her Majesty, for Light-House on *Snake Island*, Lake *Ontario*, for the year 1856.

227. *Resolved*, That a sum, not exceeding Eight thousand five hundred pounds, currency, be granted to Her Majesty, for *St. Maurice* River, Slides at the *Grais*, Booms, &c., to be taken from proceeds of Sales of Lumber Limits, for the year 1856.

228. *Resolved*, That a sum, not exceeding Twenty-five thousand pounds, currency, be granted to Her Majesty, towards improvement of *Ottawa* Navigation for 1856.

229. *Resolved*, That a sum, not exceeding Eight hundred and fifty pounds, currency, be granted to Her Majesty, for improvement of the Post Road between *Metis* and *Metapediac* [sic], including building of Bridges, for the year 1856.

(604)

230. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for improvement between *Malbaie* and *Grande Baie*, for the year 1856.

231. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty, for extending the Main North Road from *Escoumains* to *Baie des Roches*, for the year 1856.

232. *Resolved*, That a sum, not exceeding Two thousand five hundred pounds, currency, be granted to Her Majesty, towards the Works at the head of the *Richelieu* Rapids, to prevent inundation, delay in the opening of Navigation, and detention of Vessels, for the year 1856.

233. *Resolved*, That a sum, not exceeding Two thousand pounds, currency, be granted to Her Majesty, towards further improvement of Custom House at *Hamilton*, for the year 1856.

234. *Resolved*, That a sum, not exceeding Two thousand five hundred pounds, currency, be granted to Her Majesty, towards further improvement of Post Office at *London*, for the year 1856.

235. *Resolved*, That a sum, not exceeding One thousand two hundred pounds, currency, be granted to Her Majesty, for preparing accommodation for Female Lunatics at *Toronto*, for the year 1856.

236. *Resolved*, That a sum, not exceeding Fifty thousand pounds, currency, be granted to Her Majesty, towards erection of Public Buildings in *Quebec*, for the year 1856.

237. *Resolved*, That a sum, not exceeding Five thousand pounds, currency, be granted to Her Majesty, for Survey of the *Ottawa*, for the year 1856.

238. *Resolved*, That a sum, not exceeding Five thousand pounds, currency, be granted to Her Majesty, for Surveys generally, for the year 1856.

239. *Resolved*, That a sum, not exceeding Twenty thousand pounds, currency, be granted to Her Majesty, for Arbitration, Awards, &c., for the year 1856.

240. *Resolved*, That a sum, not exceeding Ten thousand pounds, currency, be granted to Her Majesty, for Repairs at *Port Stanley*, for the year 1856.

241. *Resolved*, That a sum, not exceeding Five hundred pounds, currency, be granted to Her Majesty for *Burlington Bay* Piers, for the year 1856.

242. *Resolved*, That a sum, not exceeding Twenty-five thousand pounds, currency, be granted to Her Majesty, to forward the opening of the Waste Lands of the Crown, one half to be expended in *Lower Canada*, and the other half in *Upper Canada*, for the year 1856.

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That the said Resolutions be now read a second time;

MR. MACKENZIE moved in amendment — “That the question of concurrence be not now put, but that it be resolved that it be a condition annexed to the aid in Supply to be granted to Her Majesty during this session, that no additional aid be granted to the Grand Trunk Railway Company this session.”⁹² The hon. gentleman considered it high time that the House should know what the Administration intended to do in this matter.⁹³ He had from first to last opposed the Grand Trunk Railway, which had been forced upon them by a Lower Canadian majority, while they were not allowed to regulate their own taxation, but were impoverished by being obliged to send money to Europe. He went on to condemn the extravagance of the Grand Trunk Company which was bringing the country to a state of bankruptcy.⁹⁴ He denounced the policy, by which it was sought to stop all the other improvements of both Upper and Lower Canada, in order to support this one company, by giving them money to construct sections of road which would never yield any return. The best proof that could be given of the recklessness which was fast bringing ruin on the country, was to be found in the bill just introduced by the Inspector General, providing that Provincial Securities which at one period commanded 113 per cent. in London, should be received by the Government from parties establishing banks as only worth 80 cents in the dollar.⁹⁵

MR. BROWN suggested to the member for Hal[di]mand whether it would not be better to let the matter stand, till the Government submitted their Grand Trunk proposition. He was willing to support the motion himself, but he knew that it would embarrass many who would desire in the first instance to hear the Grand Trunk proposition.⁹⁶ He hoped that the hon. member would withdraw his motion.⁹⁷

Some discussion ensued as to whether the motion should be withdrawn or not⁹⁸.

MR. MACKENZIE consented to withdraw his motion, and moved another — “That the best interests of Upper and Lower Canada would be promoted by a repeal or dissolution of the political Union now subsisting between these sections of the Province of Canada.”⁹⁹ The hon. gentleman stated that it was not his intention to go into the question now, having done so on some occasions before. He thought that the country would be much better divided for the interests of both sections of the Province. For his part he did not like the idea of going six or seven hundred miles to legislate for this part of the Province. He thought that Lower Canada could do very well for itself, and Upper Canada could also act best for its own interests if they each legislated for themselves, and not only that, but they would be much better friends when they were separated. It was ridiculous to have two peoples — speaking different languages — legislated for in one House. There was no such thing ever heard of or known in the whole of God’s creation.¹⁰⁰ And the removal of the Seat of Government to Quebec was a strong reason why the people of Upper Canada were desiring a dissolution of the Union. He had got a telegraph to-day that two gentlemen from Kingston, members of this house, were about to be burned in effigy for their vote for Quebec on Friday right [sic]. (Hear, hear¹⁰¹, [and] laughter.)¹⁰² Besides this resolution does not quite dissolve the Union, it only paves the way for such a movement. He was sure that a great many members were anxious for such a movement.¹⁰³

MR. PATRICK counselled the hon. mover that his motion — however good — was premature.¹⁰⁴ [He] wished the motion deferred till after the Supplies were voted. If the vote of £50,000 for the Seat of Government at Quebec were affirmed¹⁰⁵ in a full House¹⁰⁶, he ventured to say there were very few Upper Canadians who would dare then to vote against Mr. Mackenzie’s motion.¹⁰⁷ (Oh, oh.)¹⁰⁸

The House then divided on the motion¹⁰⁹.

(604)

Mr. *Mackenzie* moved in amendment to the Question, seconded by Mr. *Hartman*, That all the words after "That" to the end of the Question be left out, and the words "the best interests of *Upper and Lower Canada* would be promoted by a Repeal or Dissolution of the Political Union now subsisting between these Sections of the Province of *Canada*" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Bourassa, Bureau, Christie, Cook, Darche, Jean B.E. Dorion, Frazer, Hartman, Huot, Jobin, Larwill, Mackenzie, Munro, Papin, Patrick, Prévost, Rolph, Southwick, and Valois*. — (21.)

(605)

NAYS.

Messieurs *Alleyn, Bell, Brown, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Conger, Crawford, Cryslar, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Drummond, Dufresne, Fellowes, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Guévremont, Holton, Jackson, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Macbeth, John S. Macdonald, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Merritt, Mongenais, Angus Morrison, Polette, Poulin, Pouliot, Powell, Robinson, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, James Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Wilson, and Yeilding*. — (65.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the said Resolutions be now read a second time.¹¹⁰

And the first to the seventh Resolutions, being read a second time, were agreed to.¹¹¹

On the motion for the adoption of the grants for militia and volunteer expenses,¹¹²

MR. J.S. MACDONALD expressed his astonishment at so large an amount being involved in the militia arrangements of last year. He never expected when that bill passed — that so large a sum would be required.¹¹³ [It] was more than any one anticipated. Although a great deal of interest was now manifested in getting up volunteer corps the thing would drop in a short time, although the expense would be continued. At the same time he did not feel that he would be justified in opposing these grants as they were carrying out the legislation of the house.¹¹⁴

MR. INSP. GEN. CAYLEY said that the Province was bound to carry out the conditions on which the Ordnance lands were granted to it. The condition was that a proper force should be maintained in this country. The arrangement was accepted on these terms, and must be carried out. He went on to read the preamble of the Bill to show that this was the case. No one doubted that the lands so conveyed were worth half-a-million of money, and would yield far beyond the amount required for the militia.¹¹⁵

MR. MACKENZIE said he would wit[h]draw his motion if the government would only say that this was all they intended to ask.¹¹⁶

MR. INSP. GEN. CAYLEY. — The amount here asked for was £14,000 for the year, besides £10,000 for arms. There was also an annual vote of £2000 sterling as commutation of Pensioners claims on lands not included in those given by the other Act. Besides this there was a Pensioner force kept up during the pleasure of the Province, which could be discontinued whenever it was thought its services were not required.¹¹⁷

MR. MERRITT said it would be very convenient to have all the items of expense in connexion with this department put under one head, because as it was at present put down, the country was deceived and hon. gentlemen [were] deceiving themselves as to the amount of expense. Instead of being a small item¹¹⁸,

the whole expense of the militia would be over £60,000, while in 1812 a militia that defended the whole frontier was not only organized but drilled at an expense of not one farthing.¹¹⁹ And where did militia better defend a country as that militia did. Now they were to be taxed at least £60,000 for this purpose. The Inspector General says we have an equivalent. The Ordnance lands. But what had they got from any of these public lands? Not even as much as would pay for the sales. The public accounts were kept in such a manner that the public were deceived in the amount they got from these lands. He had examined these accounts and instead of a balance of £70,000 in the Consolidated Fund, we are paying out of that fund an amount for public works which only leaves us about £12,000 or £13,000. As to voting against the items however, that was a perfect farce. The government bring down their appropriations, and except in some minor point they will all be adopted.¹²⁰

MR. BROWN said the Inspector General had stated that we were committed to this expenditure by our bargain with the Imperial Government. But all that the Government was pledged to was that an efficient militia should be established. There are two views in regard to the establishment of a militia. The Government held that the militia should be paid; the Opposition contended that it should not be paid, and that a much more efficient militia may be obtained without pay.¹²¹ He [Mr. Brown] thought that the militia would be more effective and of a higher class by being unpaid. The yeomanry would be very glad to drill and organise for the honour of the thing.¹²² Then in regard to the equivalent — what is it? Property which had not yet been handed over to us. These lands were valued at £500,000 which at 6 per cent. [interest] would be £30,000.¹²³ And the Inspector General had forgotten to mention that another of those conditions was that this Government should maintain the Rideau Canal, which would cost £10,000 more. They were told now for the first time about this condition, and if he had known it, he would never have accepted the ordnance lands on such conditions.¹²⁴ If the hon. gentleman has pledged us to maintain a body of militia in this country — and he thought the House had heard this for the first time — it was a pledge which he had no wish to see carried out at so great an expense. He did not think they would ever get an efficient militia by paying them. He did not think it necessary to pay the pittance to the ... for he was happy to say, says it is only £14,000; but when he brought it down it was £30,000. Why did he strike it out? Because the militia was not in full operation. When it was in full operation the whole expense would be entailed.¹²⁵ If they began this year with the sum now before them, next year it would be much more. He did not regard this question in the same light that his hon. friend from Glengary did. This was the commencement of the system, and he should vote against it now, as a protest against the whole thing. He would incur no responsibility in carrying out this expense.¹²⁶

MR. INSP. GEN. CAYLEY explained that this estimate was for a year and a half.¹²⁷

MR. BROWN. — His first estimate was more than this. They had government troops coming out, enrolled pensioners, and river Police at Montreal and Quebec, and now a paid militia. The whole thing was unnecessary, and he protested against the militia being paid.¹²⁸

MR. INSP. GEN. CAYLEY said last year when the Militia Bill was passed, certain powers were given to the Governor General to organize a militia, and the estimate on that Bill was £26,000. They had not come down for more than £14,000.¹²⁹ [OR] The estimate under the Act amounted to £54,000, and they now came down to £15,000.¹³⁰ The sum stated by the hon. member was for a year and a half when it was first brought down. He did not think therefore, he was taking the country by surprise when he asked a sum little more than half the estimated sum. Then the purchase of arms will not require to be made every year. As to the Rideau Canal — it was regarded by those who know better about it than he did as calculated to be a source of revenue¹³¹ from the immense water power upon it.¹³² (Hear, hear.) The expense for the Canal averaged £11,000, then there were about £3,000 received for tolls, and now, when it was to be in their own hands, the lease of the water privileges connected with it would add considerably to the revenue.¹³³

MR. J.S. MACDONALD said he was not in the House when the various items were first moved. He wished to know if all the companies stated in the list had been organized.¹³⁴

MR. INSP. GEN. CAYLEY explained the arrangements which had been made.¹³⁵

MR. A. DORION said it was evident that the administration came before this House to justify this expense simply upon the plea that an act of Parliament had been passed compelling them to do so. Last year they brought in the Militia Act, and passed it of course with a majority, and now they come and say, that an act having been passed they are compelled to make all this appropriation. All they had got in exchange was the ordnance lands which they had not yet received. The Rideau Canal has been put in the estimates for 3 or 4 years — and every year they were told it was a well paying work. He was perfectly convinced that payment of these corps of militia would not make them more efficient. He would therefore move¹³⁶ that the following be added to the resolution — “but that it is the opinion of this house that the payment of the Volunteer corps ought to be hereafter discontinued.”¹³⁷

MR. AT. GEN. J.A. MACDONALD explained at some length the reasons which had rendered it necessary to assume the Rideau Canal — and contended that although during the few past years, it had been unprofitable, it was simply because it was still in the hands of the Imperial officers, by whom it had been managed from the first. When it was within our power, as it would be shortly, he was sure that by the disposal of the water privileges and other advantages which it yielded it would be a source of revenue to the Province. But whether a source of revenue or no, it was built by the Imperial government as a great provincial work and they could not compel them to keep it up. As to the payment of militia he did not think they could get an efficient corps without pay.¹³⁸ They could not be valuable unless they were drilled, and they could not be drilled, unless they were compensated for their loss of time.¹³⁹ In New York State and the other States of the Union they are paid, and he thought they could not expect them to be efficient without being paid.¹⁴⁰ And the whole expense of the militia would be amply covered by the transference to the Province of the Ordnance Lands.¹⁴¹

MR. MERRITT said they had facts to which they could not shut their eyes. All the public lands sold did not pay expenses.¹⁴² The whole of the public domain was absorbed by the expense of managing it, and he was afraid the result would be the same with the Ordnance Lands. He did not think a paid militia were required. The constabulary of the country were quite sufficient to preserve peace. He was not opposed to a well-organized militia system. But he was opposed to the reckless way in which they were paid.¹⁴³ He hoped the House would pass a measure declaring that hereafter they would not incur this enormous expense for the support of the militia. In New York State the militia did not, in reality, cost the State a penny. So ought it to be in Canada.¹⁴⁴

MR. MACKENZIE denied that the Rideau Canal was profitable. No member had ever asserted it paid, until the Attorney General had done so that evening. As regards the militia, it was clearly absurd to think of making them an efficient military force by ten days drill. It was a farce.¹⁴⁵

MR. PATRICK rose to remark that the Attorney General was not in a position to sneer at him, being in a large Upper Canada minority on almost every question.¹⁴⁶

A division was then taken on Mr. Dorion's amendment, which was negatived¹⁴⁷.

The item was then carried on a division.¹⁴⁸

(605)

The seventh Resolution being read a second time, as followeth: —

7. “*Resolved*, That a sum, not exceeding Three thousand one hundred and eighteen pounds, currency, be granted to Her Majesty, for the maintenance of sixteen Troops of Cavalry, each ten days Drill, for the year ended 30th June, 1856;”

Mr. *Antoine Aimé Dorion* moved in amendment thereunto, seconded by Mr. *Aikins*, That the words "but that it is the opinion of this House that the payment of the Volunteer Corps ought to be hereafter discontinued" be added at the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Foley, Frazer, Hartman, Holton, Huot, Jackson, Jobin, John S. Macdonald, Mackenzie, Marchildon, Matheson, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, James Smith, Valois, Wilson, and Wright.* — (36.)

(605-606)

NAYS.

Messieurs *Alley, Bellingham, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Conger, Crawford, Daly, Desaulniers, Dionne, Dostaler, Drummond, Evanturel, Fellowes, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Labelle, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Angus Morrison, Murney, O'Farrell, Polette, Poulin, Pouliot, Powell, Rankin, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Yeilding.* — (53.)

(606)

So it passed in the Negative.

Then the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: — And it was resolved in the Affirmative.

The eighth Resolution being read a second time, as followeth:—

8. "Resolved, That a sum, not exceeding Three thousand five hundred and sixty-one pounds, currency, be granted to Her Majesty, for the maintenance of six Field Batteries of Artillery, each 20 days Drill, for the year ended 30th June, 1856;"

Mr. *Antoine Aimé Dorion* moved in amendment thereunto, seconded by Mr. *Aikins*, That the words "but that it is the opinion of this House that the payment of the Volunteer Corps ought to be hereafter discontinued" be added at the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as in the last preceding division.

So it passed in the Negative.

Then the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: — And it was resolved in the Affirmative.

The ninth Resolution being read a second time, as followeth: —

9. "Resolved, That a sum, not exceeding Seven hundred and five pounds, currency, be granted to Her Majesty, for the maintenance of Five Companies of Foot Artillery, for the year ended 30th June, 1856."

Mr. *Antoine Aimé Dorion* moved in amendment thereunto, seconded by Mr. *Aikins*, That the words "but that it is the opinion of this House that the payment of the Volunteer Corps ought to be hereafter discontinued" be added at the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as in the last preceding division.

So it passed in the Negative.

Then the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: — And it was resolved in the Affirmative.

The tenth Resolution being read a second time, as followeth: —

10. "Resolved, That a sum, not exceeding Three thousand eight hundred and twenty pounds, currency, be granted to Her Majesty, for the maintenance of forty Companies of Riflemen, 70 men each, for the year ended the 30th June, 1856."

Mr. *Antoine Aimé Dorion* moved in amendment thereunto, seconded by Mr. *Aikins*, That the words "but that it is the opinion of this House that the payment of the Volunteer Corps ought to be hereafter discontinued" be added at the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as in the last preceding division.

So it passed in the Negative.

(607) Then the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: — And it was resolved in the Affirmative.

On the motion of voting as contingent expenses, £7,650 [twenty-second Resolution],¹⁴⁹

MR. MACKENZIE objected to the present absurd system of paying members of the Government and officers of the House in such a manner that nobody could tell how much they received.¹⁵⁰

[The] item [was] carried.¹⁵¹

(607) The eleventh to the twenty-third Resolutions, being read a second time, were agreed to. The twenty-third Resolution being read a second time, as followeth: —

23. "*Resolved*, That a sum, not exceeding Seven thousand three hundred and fifty pounds, currency, be granted to Her Majesty, for Indemnity to the Members of the Legislative Council for their attendance, at Twenty shillings per diem, including Travelling, at Six-pence per mile, for the distance between the place of residence of such Member and the place at which the Session is held, for the year 1856."

MR. BROWN moved in amendment — that all the words after "that" in the resolution be left out, and the following substituted — "it is inexpedient to make any appropriation for the payment of the members of the Legislative Council, for their attendance during the present session."¹⁵² [He stated] that hon. gentlemen appointed by the Crown ought not to be paid in this or any other way, more especially under the new proposed arrangement of that body.¹⁵³ The members of the Upper House never received payment till three sessions ago, when a political exigency arose, and the system was introduced to answer a particular end. Most of the members of the present Government voted against it when first introduced.¹⁵⁴

MR. AT. GEN. J.A. MACDONALD. — I do not remember. (Laughter.)¹⁵⁵

MR. BROWN believed he could refresh the memory of hon. members by referring to the journals of the house. But, if there was an argument against payment then, it was much stronger now. The great argument on which it was put was that the body was in a state of transition. But now, when they were to have appointed members and elective members, were they to say that members appointed by the Crown should be paid by the people? Besides, if members of the Upper House were to be paid at all, the payment should be provided by statute, instead of being doled out by the Government of the day. Nothing could be more humiliating than the position under which the Legislative Council was placed by this system.¹⁵⁶

MR. AT. GEN. J.A. MACDONALD ... maintained that as for the last three years the other members of the other House have received the grant, thereby recognizing the principle of the thing, it was not worth while to raise a disagreement now; especially as the Legislative Council bill had been passed — and the House could not refuse the right of elected members to be paid. It had been stated that it was unconstitutional to pay those members, but for his part he could not see the difference between paying men appointed by the Crown, and those elected by the people¹⁵⁷. Whatever might have been thought of the system at its introduction, it had at all events secured the attendance of members of the Upper House. He agreed that payment should not be provided by an annual vote, and the sooner it was settled by statute the better — and, so soon as the elected members were introduced, without doubt steps would be taken to provide payment by statute.¹⁵⁸

MR. MACKENZIE did not see any reason for perpetuating such an improper and inconsistent grant; for if they were to be the representatives of an aristocracy, it was very beggarly that they should

be pension-needing burdens on the country. It was absurd to spend \$30,000 a year on such a set of ciphers.¹⁵⁹

MR. GAMBLE asked the hon. member if he remembered the time when he advocated a hereditary aristocracy as absolutely necessary for the good government of the country (laughter).¹⁶⁰

MR. MACKENZIE denied that he had ever done anything of the sort.¹⁶¹

MR. GAMBLE said that he would show the hon. member his views in black and white on that subject (laughter). He went on to say that now that the elective principle was introduced into the Council, the members of that body were as much entitled to their indemnity as those of this House.¹⁶²

Mr. Brown's motion was then put¹⁶³.

(607)

Mr. Brown moved in amendment thereunto, seconded by Mr. *Antoine Aimé Dorion*, That all the words after "That" to the end thereof be left out, and the words "it is inexpedient to make any appropriation for the payment of the Members of the Honorable Legislative Council, for their attendance during the present Session" inserted thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Bourassa, Brown, Bureau, Chapais, Christie, Charles Daoust, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Foley, Frazer, Freeman, Hartman, Holton, Huot, Jobin, Labelle, John S. Macdonald, Mackenzie, Marchildon, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Valois, Wilson, and Wright. — (33.)

NAYS.

Messieurs Alleyn, Biggar, Attorney General Cartier, Cauchon, Cayley, Chabot, Chisholm, Clarke, Conger, Cook, Crysler, Daly, Dionne, Dostaler, Evanturel, Ferres, Thomas Fortier, Fournier, Gamble, Guévremont, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Angus Morrison, Murney, O'Farrell, Polette, Poulin, Pouliot, Powell, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Yeilding. — (50.)

So it passed in the Negative.

Then the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: — And it was resolved in the Affirmative.

The twenty-fourth to the thirty-fourth Resolutions, being read a second time, were agreed to.

On the item for an additional salary to the Postmaster General, of £50,¹⁶⁴

MESSRS. MACKENZIE and BROWN objected to it on the ground that that hon. gentleman's salary was fixed at £1,250.¹⁶⁵

MR. INSP. GEN. CAYLEY explained that it was only to make the salary up to the £1,250.¹⁶⁶

MR. BROWN felt convinced it was a mistake.¹⁶⁷

MR. AT. GEN. J.A. MACDONALD. — I find that it is a mistake.¹⁶⁸

MR. BROWN. — So is the next item.¹⁶⁹

MR. AT. GEN. J.A. MACDONALD said it was.¹⁷⁰

(607)

The thirty-fourth and thirty-fifth Resolutions being read a second time;

Ordered, That the further consideration of the said Resolutions be postponed.¹⁷¹

The thirty-sixth Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: — And it was resolved in the Affirmative.

On the item for giving a salary to the clerk attached to the Inspector General's Department, to look after the interests of the Crown in resp[ect] to the Quebec Fire Loan, of £200 [fifty-sixth Resolution,]¹⁷²

MR. MACKENZIE objected to it, on the belief that the man did not collect that amount during the year.¹⁷³ The house paid £5,000 or £6,000 a year for interest upon monies lent to those parties down at Quebec, but not a farthing was returned either for principal or interest.¹⁷⁴

MR. ALLEYN said it was necessary to have some person watching the interests of the Province in the matter. He thought this man had collected £1,200 or £1,400.¹⁷⁵

MR. BROWN would like to know for what purpose this individual was necessary.¹⁷⁶

MR. DRUMMOND said it was absolutely necessary there should be such an officer as this. His duty was to keep a record of all the mortgages secured on the properties for the improvement of which moneys were raised under the loan made by the Government. That officer was therefore absolutely indispensable, in order to secure to the Crown its full guarantee.¹⁷⁷

MR. MACKENZIE objected.¹⁷⁸

MR. INSP. GEN. CAYLEY supported the grant.¹⁷⁹

After some discussion the item passed.¹⁸⁰

(608)

The thirty-seventh to the eighty-eighth Resolutions, being read a second time, were agreed to.

Upon the grant of £200 to Mrs. Widow Antrobus,¹⁸¹

MR. MACKENZIE objected and called for the yeas and nays¹⁸².

(608)

The eighty-eighth Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Alleyn, Bellingham, Biggar, Bureau, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Conger, Cook, Cryslar, Daly, Delong, Dionne, Drummond, Dufresne, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Guévremont, Holton, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, John S. Macdonald, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Mongenais, Angus Morrison, Murney, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Rolph, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Turcotte, and Yeilding.
— (60.)

NAYS.

Messieurs Aikins, Bell, Bourassa, Brown, Christie, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Foley, Frazer, Gamble, Hartman, Huot, Jobin, Mackenzie, Marchildon, Prévost, Thibaudeau, Valois, and Wright. — (22.)

So it was resolved in the Affirmative.

The eighty-ninth, ninetieth, and ninety-first Resolutions, being read a second time, were agreed to.

[On motion of] MR. INSP. GEN. CAYLEY¹⁸³,

(608) *Ordered*, That the further consideration of the remaining Resolutions be postponed until To-morrow.

Mr. *James Smith* moved, seconded by Mr. *Aikins*, and the Question being put, That this House do now adjourn; the House divided: — And it passed in the Negative.

MR. AT. GEN. CARTIER¹⁸⁴ [OR] MR. DRUMMOND then moved that the house go into Committee of the Whole on the Bill to amend [the] Seigniorial Act of 1854 and 1855.¹⁸⁵

(608) The House, according to Order, resolved itself into a Committee on the Bill to amend the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855;

MR. DRUMMOND entered into an explanation of his measure.¹⁸⁶

[The] Committee rose and reported the adoption of the bill, as amended.¹⁸⁷

(608) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Christie* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Christie* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Then, on motion of the Honorable Mr. *Drummond*, seconded by the Honorable Mr. Attorney General *Cartier*,
The House adjourned.¹⁸⁸

Appendix

[NOTICE OF MOTION FOR AN ADDRESS RE: ADDITIONAL AID TO THE GRAND TRUNK RAILWAY COMPANY.]

MR. MARCHILDON [donne avis qu'il proposera] en amendement aux résolutions qui seront proposées par l'hon. M. Cayley au sujet du Grand Tronc de chemin de fer; — Qu'une humble adresse soit présentée à son excellence pour déclarer qu'aucune aide ne soit accordée au grand tronc, mais que cette compagnie a causé plus de mal au pays que toutes les chenilles de 1770, que la mouche à blé depuis 1830, aussi bien que la maladie de la patate et le choléra morbus.¹⁸⁹

[NOTICE OF MOTION RE: DECENTRALIZATION OF THE JUDICIAL SYSTEM, LOWER CANADA.]

MR. PAPIN [donne avis qu'il proposera] lorsque la chambre se formera en comité sur le bill pour préparer la décentralisation judiciaire dans le Bas-Canada, etc, ... que ce bill soit amendé de manière à laisser le choix du chef-lieu de chaque district judiciaire au vote des électeurs du dit district.¹⁹⁰

[POSTPONED MOTION RE: MR. GOULD'S SEAT IN THE HOUSE.]

MR. AT. GEN. J.A. MACDONALD asked leave to bring up a matter connected with the privileges of the house. It was known that some doubts were entertained whether the member for North Ontario had vacated his seat by accepting a contract from the Post Office; and it was his intention to move that the matter be referred to a Special Committee, to consist of Mr. A.A. Dorion, Hon. J.S. Macdonald, Sir Allan MacNab, Attorney General Cartier, and Attorney General Macdonald.¹⁹¹ By the act of 1843, it seemed to him the hon. member for North Ontario was bound to resign his seat; but the transfer of the Imperial Post Office to this Province, had taken place subsequently to the passing of that act. It was, therefore, a question of considerable importance as to whether by accepting the Post Office contract, that hon. gentleman had vacated his seat¹⁹², and [it] ought to be decided. He saw in a city paper a most ungenerous statement about the intentions of the Government, in keeping the matter back for two years, and then bringing it up now. Nothing could be more unjust.¹⁹³ The circumstances connected with the discovery of this contract were that on the 2d instant, Mr. Wetherby, one of the officers connected with the postal department, brought to the Postmaster General some 70 or 80 contracts, and in signing [them]¹⁹⁴, the Postmaster General for the first time learned of this contract, signed by Mr. Gould on the 2d June last, although he had actually entered on it on the 1st January, 1855. And it would have been exceedingly improper if the Postmaster General had allowed it to stand over for a moment. Supposing Mr. Gould had been a supporter of the Government, to what charge would not the Postmaster General have been liable, if he had taken that course. The next day, the Postmaster General handed him [Mr. Macdonald] the papers¹⁹⁵, and he, on looking into the best authorities on the subject, was of opinion that the hon. member had vacated his seat. He (Mr. Macdonald) did not notice this circumstance in the House, for had he done so, and had it been determined that the hon. member had vacated his seat, he would be beyond any help, from him (Mr. Macdonald).¹⁹⁶ On the following day,¹⁹⁷ he therefore communicated the circumstances to that hon. member privately, and told him he had vacated his seat, and was liable for a penalty of £500 a day for every day he retained a seat in that House, and advised him to consult his counsel on the subject¹⁹⁸; and in doing so, he thought he did a kindly action. And he was much surprised when he saw Mr. Gould getting up in his place and voting, in view of the pecuniary risk he was running.¹⁹⁹ This was a correct statement of the case. In conclusion, the hon. gentleman moved that the matter be referred to a special committee²⁰⁰.

MR. HOLTON. — Was there not a previous contract?²⁰¹

MR. AT. GEN. J.A. MACDONALD explained that there was a previous contract, but the hon. member had not signed that contract, merely assuming the duties. Hence the Post Master General was not aware the hon. member was a contractor.²⁰²

MR. J.S. MACDONALD said, the reading of the contract placed the matter in a different light from what he understood it before. He had understood that Mr. Gould had the contract before his election. In the absence of that gentleman, he would suggest that the matter stand over till to-morrow.²⁰³

MR. AT. GEN. J.A. MACDONALD consented²⁰⁴.

The motion accordingly was postponed.²⁰⁵

[DISCUSSION RE: MEMBERS' TICKETS.]

MR. LARWILL, before the business of the House was gone on with, wished to draw their attention to the fact that he did not receive his tickets through the post office, nor could he get any from the Sergeant-at-Arms. He thought he was not fairly treated.²⁰⁶

Several members stated that they did not receive their tickets in the usual way.²⁰⁷

MR. SICOTTE the SPEAKER expressed his surprise and promised to have the matter righted.²⁰⁸

Footnotes

1. *Globe*, 10 June 1856.
2. *Toronto Daily Leader*, 10 June 1856.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Globe*, 10 June 1856.
7. *Ibid.*
8. *Ibid.*
9. *Toronto Daily Leader*, 10 June 1856.
10. *Ibid.*
11. *Globe*, 10 June 1856.
12. *Toronto Daily Leader*, 10 June 1856.
13. *Ibid.*
14. *Globe*, 10 June 1856.
15. *Toronto Daily Leader*, 10 June 1856.
16. *Globe*, 10 June 1856.
17. *Ibid.*
18. *Toronto Daily Leader*, 10 June 1856.
19. *Globe*, 10 June 1856.
20. *Toronto Daily Leader*, 10 June 1856.
21. *Globe*, 10 June 1856.
22. *Toronto Daily Leader*, 10 June 1856.
23. *Toronto Daily Leader*, 10 June 1856. *Globe*, 10 June 1856, summarizes Messrs. Felton and J.S. Macdonald's speeches by reporting that these gentlemen "also urged a distinct declaration from the Government of their intentions with regard to Mr. Drummond's Bill, and particularly from the Commissioner of Crown Lands, who was understood to be the stumbling block in the way."
24. *Globe*, 10 June 1856.
25. *Toronto Daily Leader*, 10 June 1856.
26. *Ibid.*
27. *Ibid.*
28. *Globe*, 10 June 1856.
29. *Toronto Daily Leader*, 10 June 1856.
30. *Globe*, 10 June 1856.
31. *Toronto Daily Leader*, 10 June 1856.
32. *Globe*, 10 June 1856.
33. *Ibid.*
34. *Ibid.*
35. *Ibid.*
36. *Toronto Daily Leader*, 10 June 1856.
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Ibid.*
42. *Globe*, 10 June 1856.

43. *Globe*, 10 June 1856.
44. *Ibid.*
45. *Toronto Daily Leader*, 10 June 1856.
46. *Ibid.*
47. *Toronto Daily Leader*, 10 June 1856. *Globe*, 10 June 1856, does not report any speech by Messrs. Patrick and Felton, but it specifies that "after some further discussion, Mr. Dorion's Bill was passed through committee".
48. *Globe*, 10 June 1856.
49. *Toronto Daily Leader*, 10 June 1856.
50. *Ibid.*
51. *Globe*, 10 June 1856.
52. *Ibid.*
53. *Toronto Daily Leader*, 10 June 1856.
54. *Globe*, 10 June 1856.
55. *Ibid.*
56. *Ibid.*
57. *Ibid.*
58. *Ibid.*
59. *Ibid.*
60. *Toronto Daily Leader*, 10 June 1856. According to *Globe*, 7 June 1856, the arrangement made on Friday, 6 June 1856, was indeed "that Private Bills should be taken up on Monday till six o'clock, and that the remainder of the evening should be devoted to Government measures."
61. *Globe*, 10 June 1856.
62. *Ibid.*
63. *Toronto Daily Leader*, 10 June 1856.
64. *Globe*, 10 June 1856.
65. *Ibid.*
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*
69. *Ibid.*
70. *Toronto Daily Leader*, 10 June 1856. This excerpt is taken from a summary report.
71. *Globe*, 10 June 1856.
72. *Toronto Daily Leader*, 10 June 1856.
73. *Globe*, 10 June 1856.
74. *Ibid.*
75. *Toronto Daily Leader*, 10 June 1856.
76. *Globe*, 10 June 1856.
77. *Toronto Daily Leader*, 10 June 1856.
78. *Globe*, 10 June 1856.
79. *Ibid.*
80. *Ibid.*
81. *Ibid.*
82. *Ibid.*
83. *Ibid.*
84. *Ibid.*
85. *Ibid.*
86. *Ibid.*
87. *Toronto Daily Leader*, 10 June 1856.
88. *Globe*, 10 June 1856. In a summary report, *Toronto Daily Leader*, 10 June 1856, notes that Mr. Felton "spoke at some length in support of the Bill, and had the floor when six o'clock arrived."
89. *Toronto Daily Leader*, 10 June 1856.
90. *Globe*, 10 June 1856.
91. *Toronto Daily Leader*, 11 June 1856, differs from the *Journals* and reports that "the Speaker took the chair at half past eight o'clock."
92. *Globe*, 10 June 1856. This newspaper reports that Mr. Mackenzie's amendment was moved to Mr. Cayley's motion "that the question of concurrence be now severally put in the resolutions reported from the Committee of Supply." *Toronto*

Daily Leader, 11 June 1856, and *Morning Chronicle*, 13 June 1856, both report that the main motion was for concurrence in the Report of the said Committee.

93. *Toronto Daily Leader*, 11 June 1856.
94. *Hamilton Spectator Semi-Weekly*, 14 June 1856.
95. *Globe*, 10 June 1856.
96. *Ibid.*
97. *Morning Chronicle*, 13 June 1856.
98. *Toronto Daily Leader*, 11 June 1856. According to *Morning Chronicle*, 13 June 1856, this discussion occurred *after* Mr. Mackenzie expressed his willingness to withdraw his motion. The report states that "several members at first objected, but at last he was permitted to withdraw his motion."
99. *Globe*, 10 June 1856.
100. *Toronto Daily Leader*, 11 June 1856.
101. *Globe*, 10 June 1856.
102. *Morning Chronicle*, 13 June 1856.
103. *Toronto Daily Leader*, 11 June 1856. *Morning Chronicle*, 13 June 1856, reports that Mr. Mackenzie "descant[ed] on the evils of the Union amid considerable interruption and cries of 'move, move.' "
104. *Toronto Daily Leader*, 11 June 1856.
105. *Globe*, 10 June 1856.
106. *Morning Chronicle*, 13 June 1856.
107. *Globe*, 10 June 1856.
108. *Morning Chronicle*, 13 June 1856.
109. *Toronto Daily Leader*, 11 June 1856.
110. All of the newspapers reporting information about the proceedings on the Supply Resolutions differ from the *Journals* in regard to the procedures that were followed. *Morning Chronicle*, 13 June 1856, reports that after Mr. Mackenzie's amendment was lost on a division, "the question of concurrence was then agreed to and the resolutions read *pro forma* for the first time. The House then proceeded to adopt the various items, seriatim [sic]." *Globe*, 10 June 1856, reports that "the resolutions were then read a first time", after which "they were ... read a second time one by one." *Toronto Daily Leader*, 11 June 1856, briefly notes that "the Report was then received", but the accuracy of this information is questionable.
111. *Toronto Daily Leader*, 11 June 1856, reports the following brief information: "Mr. J.A. Macdonald moved the first item which referred to the department of the adjutant general of militia, comprising a sum of £1,751. This clause was adopted." This corresponds to Resolutions one to three, amounting to £1,750 according to the figures in the *Journals*. It also reports that "the next item involving a sum of £980 for field officers of militia, &c., &c., was adopted." This corresponds to Resolutions four to six which, according to the *Journals*, amount to £990.
112. *Globe*, 10 June 1856. The said grants correspond to Resolutions seven to ten.
113. *Toronto Daily Leader*, 11 June 1856.
114. *Globe*, 10 June 1856.
115. *Ibid.*
116. *Globe*, 10 June 1856. No newspaper reports a motion or notice of motion by Mr. Mackenzie regarding the grants for militia and volunteer expenses.
117. *Globe*, 10 June 1856.
118. *Toronto Daily Leader*, 11 June 1856.
119. *Globe*, 10 June 1856.
120. *Toronto Daily Leader*, 11 June 1856.
121. *Ibid.*
122. *Globe*, 10 June 1856.
123. *Toronto Daily Leader*, 11 June 1856.
124. *Globe*, 10 June 1856.
125. *Toronto Daily Leader*, 11 June 1856. The ellipsis represents illegible words.
126. *Globe*, 10 June 1856.
127. *Ibid.*
128. *Morning Chronicle*, 13 June 1856.
129. *Toronto Daily Leader*, 11 June 1856.
130. *Globe*, 10 June 1856.
131. *Toronto Daily Leader*, 11 June 1856.
132. *Globe*, 10 June 1856.

133. *Toronto Daily Leader*, 11 June 1856.
134. *Ibid.*
135. *Ibid.*
136. *Ibid.*
137. *Globe*, 10 June 1856.
138. *Toronto Daily Leader*, 11 June 1856.
139. *Globe*, 10 June 1856.
140. *Toronto Daily Leader*, 11 June 1856.
141. *Globe*, 10 June 1856.
142. *Toronto Daily Leader*, 11 June 1856.
143. *Globe*, 10 June 1856.
144. *Toronto Daily Leader*, 11 June 1856.
145. *Ibid.*
146. *Ibid.*
147. *Globe*, 10 June 1856.
148. *Ibid.*
149. *Toronto Daily Leader*, 11 June 1856.
150. *Ibid.*
151. *Ibid.*
152. *Globe*, 10 June 1856.
153. *Toronto Daily Leader*, 11 June 1856.
154. *Globe*, 10 June 1856.
155. *Ibid.*
156. *Ibid.*
157. *Toronto Daily Leader*, 11 June 1856.
158. *Globe*, 10 June 1856.
159. *Toronto Daily Leader*, 11 June 1856.
160. *Morning Chronicle*, 13 June 1856.
161. *Ibid.*
162. *Ibid.*
163. *Toronto Daily Leader*, 11 June 1856.
164. *Ibid.*
165. *Ibid.*
166. *Ibid.*
167. *Ibid.*
168. *Ibid.*
169. *Toronto Daily Leader*, 11 June 1856. This comment regards the Resolution granting an additional salary of £50 to the Chief Commissioner of Public Works.
170. *Toronto Daily Leader*, 11 June 1856.
171. *Toronto Daily Leader*, 11 June 1856, differs from the *Journals* and reports that "both items were then struck out". These items do not appear in the tables of Supply in the *Journals* Index.
172. *Globe*, 10 June 1856.
173. *Toronto Daily Leader*, 11 June 1856.
174. *Globe*, 10 June 1856.
175. *Toronto Daily Leader*, 11 June 1856.
176. *Ibid.*
177. *Ibid.*
178. *Ibid.*
179. *Globe*, 10 June 1856. This newspaper does not report the actual speeches of Messrs. Alleyn, Drummond and Cayley, but notes that those members "supported the grant upon the ground that such an officer was requisite to look after the interests of the Crown, and that large sums had been collected by him which otherwise the Crown would have lost."
180. *Globe*, 10 June 1856.
181. *Ibid.*
182. *Ibid.*
183. *Globe*, 10 June 1856. *Toronto Daily Leader*, 10 June 1856, reports that Mr. Cayley moved to postpone the consideration of the Supply Resolutions at "about half-past Eleven o'clock".

184. *Toronto Daily Leader*, 11 June 1856.
185. *Globe*, 10 June 1856.
186. *Toronto Daily Leader*, 11 June 1856.
187. *Ibid.*
188. *Globe*, 10 June 1856, reports that the House adjourned "at five minutes to one." *Toronto Daily Leader*, 10 June 1856, concurs with this information.
189. *L'Avenir*, 19 June 1856. This newspaper does not report the date when this notice was put on the list of notices of motion.
190. *Ibid.*, *id.*
191. *Globe*, 10 June 1856.
192. *Toronto Daily Leader*, 10 June 1856.
193. *Globe*, 10 June 1856.
194. *Toronto Daily Leader*, 10 June 1856.
195. *Globe*, 10 June 1856.
196. *Toronto Daily Leader*, 10 June 1856.
197. *Globe*, 10 June 1856.
198. *Toronto Daily Leader*, 10 June 1856.
199. *Globe*, 10 June 1856.
200. *Toronto Daily Leader*, 10 June 1856.
201. *Ibid.*
202. *Ibid.*
203. *Globe*, 10 June 1856.
204. *Ibid.*
205. *Ibid.*
206. *Toronto Daily Leader*, 11 June 1856. According to this source, this short discussion occurred immediately after the recess.
207. *Toronto Daily Leader*, 11 June 1856.
208. *Ibid.*

TUESDAY, 10 JUNE 1856

(609)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Bowes*, — The Petition of the Mayor, Aldermen, and Commonalty of the City of *Toronto*; and the Petition of Messieurs *Ross*, *Mitchell* and Company, and others, of the City of *Toronto*.

By the Honorable Mr. *Cayley*, — The Petition of the Municipality of the Township of *Morris*; and the Petition of the Municipality of the Township of *Brant*.

By Mr. *Hartman*, — The Petition of *James Calder* and others, of the Township of *Ancaster*.

By the Honorable Mr. Attorney General *Cartier*, — The Petition of the Municipality of the Township of *Litchfield*.

By Mr. *Chapais*, — The Petition of the Municipality of the Parish of *St. François du Lac*.

By Mr. *Valois*, — The Petition of *M. Le Cavalier* and others, of the Parish of *St. Laurent*.

Reports of committees having been called for,¹

MR. HOLTON said it would be remembered that on Saturday the Select Committee appointed to enquire into certain charges brought by the Attorney General West against the member for Lambton, made their report in an incomplete state, and that it was referred back to the committee that they might supply the omission.² Since then time enough had elapsed to have enabled the committee to complete their report, and he thought it was due to the House that the Chairman of that Committee should state the reason why it was not brought forward. He would consider it his duty, unless the report was brought to-day or to-morrow, to move for an instruction to the committee to bring up their report.³ (Hear, hear.)⁴

MR. AT. GEN. J.A. MACDONALD said it was not usual for a committee to withhold information of this kind. The Chairman should state the reason of this delay. He hoped that the committee would at once dissolve, as it was bound to do. They could only make the report complete by adding the part left out, they could not make a new one.⁵

MR. J.S. MACDONALD mentioned cases in which Chairmen of Committees had been adjudged guilty of contempt for delaying the presentation of reports. All the committee had to do was to supply an omission. They would not surely presume to meet again, to add anything to their report. After they had made their report, they were not at liberty to change their minds on any matter submitted to the committee.⁶

MR. FERRES did not understand the object of hon. gentlemen opposite. He did not think that the committee changed their opinion since the report was laid upon the table.⁷ [He] did not know what reason the hon. gentleman had for saying ... [so]. The report was not yet completed,⁸ as some of the sheets had to be printed,⁹ and until it was completed, he did not, as Chairman of the Committee, choose to put himself in the position of bringing it forward again incomplete. He had received a portion of the printed matter last night, but had not had time to look over it. He could only examine it at such time as he had leisure, when the house was not sitting, but so soon as it was examined and the report completed, he should be glad to get quit of it.¹⁰

MR. CHABOT asked whether it was not irregular for a committee to present a printed report, in place of the original? Were they not bound to lay before the house the original evidence signed by the witnesses?¹¹

MR. FERRES said he had only followed out the understanding of the committee, that the report should not be laid on the table, till the printing was completed, and he was not aware of any rule that showed they were wrong in coming to that understanding.¹²

MR. SICOTTE the SPEAKER said that the understanding referred to was against the universal practice followed here and in England, to bring up reports in manuscript. The committee had no right to order the printing of their report. It was for the house to decide that, and it was certainly against the usage, and perhaps against the respect due to the house, that the committee should have taken upon themselves to make known the contents of their report to the printer, before submitting them to the house.¹³ And if the printed report was laid before the House, it could not be received. It was the duty of the committee to lay the report before the House as soon as they could.¹⁴ He did not intend in any way to blame the members of the committee, but it was to be regretted that they should not have laid before the house the report in the original manuscript and not a mere printed copy. The member for Quebec (Mr. Chabot) was mistaken in thinking it was necessary for the committee to report the evidence signed by the witnesses, for it was not required to be signed.¹⁵

MR. FERRES said that if it was only the manuscript that was required it could be laid before the House at once — say to-morrow.¹⁶

MR. WILSON. — Perhaps the Chairman would state what occurred this morning in reference to adding to the minutes after the report was closed. (Loud cries of “Hear, hear.”)¹⁷

MR. SICOTTE the SPEAKER. — This is not the proper time to discuss any actions of the Committee. The order of the house was that the incomplete report should be returned to the committee to be brought back in a complete state. But it is premature to discuss any actions of the committee.¹⁸

MR. BROWN. — Must not the proceedings be reported day by day as they took place?¹⁹

MR. SICOTTE the SPEAKER. — Certainly.²⁰

MR. FELTON. — I now understand the chair to say that in remitting the report to the committee, the order was that they should bring up a complete report of their proceedings up to that time. The difference appears to have arisen from a misunderstanding whether that was the order of the house or not.²¹

MR. SICOTTE the SPEAKER. — All I intended to rule was this: Having made their report, it was discovered and declared by the committee themselves that part of it was not presented to the house. It was sent back to them to be completed up to the point when they closed their proceedings, and resolved on the report to be made to the house. (Hear, hear.)²²

MR. WILSON. — Without doubt the report was sent back to the committee for that purpose. But the Chairman understood it differently, and I understand it is intended to add something to it, after the closing of the report. And I wish to ask whether according to the rules of this house anything more can be done than to complete the evidence and report as it was at that time?²³

MR. SICOTTE the SPEAKER. — The committee were ordered to complete their report, and not to make another — (hear, hear) — not to take new evidence, but to report what they had previously adopted. Of course I cannot suppose that the committee can think themselves entitled to deliberate again upon the proceedings. (Hear, hear.) If they wish to do that, they must ask instructions from this house to re-open the case.²⁴

DR. MASSON. — Have they not the right to explain the reason why they did not complete their report?²⁵

MR. SICOTTE the SPEAKER. — They can state it verbally, when they bring up their report.²⁶

The matter then dropped.²⁷

(609)

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Twenty-first Report of the said Committee; which was read, as followeth: —

Your Committee have, in obedience to an Instruction of Your Honorable House, made inquiry as to the cause of the delay in completing the printing of the Journals and Appendices of last Session; and also, the distribution of those Volumes, and of the Statutes.

With reference to that part of the Instruction, as to the delay in the completion of the printing of the Journals and Appendices, Your Committee called before them the Clerk of the House, and the Contractors, and from the explanations given, are of opinion, that in some respect the delay was occasioned by the preparation necessary to be made for the removal of the Departments of Your Honorable House from *Quebec* to *Toronto* immediately after the close of last Session, and before the existing contracts could be completed. One Contractor removing immediately to *Toronto*, while another remained at *Quebec*, and the third finished his work at *Montreal*.

Another cause of delay Your Committee conceive to be, that the Annual Reports laid before the House by the Chief Superintendents of Schools for *Upper* and *Lower Canada*, and by the Provincial Geologist, are printed under the superintendence of those Departments, many details therein are required to be added and alterations made during the progress of the Work, requiring a delay which must prevent the finishing the volumes of Appendix to which they respectively belong; and while they find the great bulk of the printing having progressed satisfactorily, these delays necessarily prevent the final completion of the whole.

Another source of delay Your Committee conceive to rest with the present system of translating documents from one language to another; for example, while one Translator prepares the translation for the Printer, another reads the proofs, and at that time, discovers the phraseology of the translation to require alteration from the copy as originally sent to the Printer, thus changing the matter so materially that the Printer, in the opinion of Your Committee, has reason for saying, that in some instances he would prefer to re-compose the whole matter.

That while Your Committee conceive this revision and alteration expedient and necessary, they conceive that it should take place before the copy is placed in the Printer's hands; and Your Committee cannot too strongly recommend, that in future all the copy sent to the Printer (of every description of work) should be fairly and legibly written and scrupulously compared before being sent, which Your Committee have no doubt would materially tend to expedite the printing, and remove a source of complaint made by the Contractors.

(610)

Your Committee, after mature deliberation upon this part of the reference, would respectfully recommend that the Honorable the Speaker have authority to make such arrangements during the Recess, as well with the Printers, as with those Officers of the House whose duties are more immediately connected with the superintendence of the Printing, as he shall conceive best calculated to insure the speedy completion of the printing of each Session.

With reference to the distribution of the Journals under the existing orders of Your Honorable House, Your Committee conceive the arrangements at present adopted to be the most efficient and economical, and therefore recommend their continuance, and the same small allowance to those performing the duties of packing and superintending the distribution, as heretofore, for Your Committee are not indifferent to the fact, that the extra labour, and responsibility attendant on the packing and distribution to every County, Town, Village, and Township Municipality throughout the Province, of over Twelve thousand volumes, justifies this recommendation.

With reference to the Statutes, Your Committee would recommend that in future Ten copies be allowed to each Member of the Legislature, instead of Three as at present; and inasmuch as those sent to each Clerk of the Peace in *Upper Canada*, for general distribution, in some cases are not called for by the persons for whom they were designed, Your Committee recommend that after those copies have remained in the Office of any Clerk of the Peace, and not called for, for the space of six months, he shall be directed to divide the same equally among the Members of

Your Honorable House representing the County or places within his jurisdiction, for distribution in their respective constituencies.

Mr. *Chapais*, from the Standing Committee on Standing Orders, presented to the House the Eighteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Petition of *Daniel Snyder* and others, of the Village of *Waterloo*, praying that that Village may be incorporated; and the Petition of the Town Council of the Town of *Woodstock*, praying that the said Town may be incorporated; and they find that no Notice has been given in either case. They beg to recommend a suspension of the 62nd Rule as regards the last mentioned Petition.

They have also examined the Petition of *C.J. Forbes* and others, owners of lands, residing between *Carillon* and *Grenville*, in the County of *Argenteuil*, for the adoption of measures for putting into immediate operation the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway; and they find that no Notice has been given. It appears that this Section of the Railway has been completed, but cannot go into operation for want of funds to pay the claims for right of way, and serious loss would ensue if the matter were postponed till next Session; and as the Bill proposed to be passed in furtherance of this application makes ample provision for protecting the rights of all parties concerned, Your Committee beg to recommend that the Rule relative to Notice be suspended.²⁸

Mr. *Chapais* reported from the Select Committee on the Bill to amend the *Lower Canada* Municipal and Road Act of 1855, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Dionne* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

(611)

MR. BOWES moved that the rules of the house be suspended, so far as relates to the reception of petitions and the introduction of a Bill to amend the Act of Incorporation of the Metropolitan Gas and Water Company of Toronto.²⁹

The motion, after some discussion, ... [was] agreed to³⁰.

(611)

On motion of Mr. *Bowes*, seconded by Mr. *Crawford*,

Ordered, That the Petition of the Mayor, Aldermen, and Commonalty of the City of *Toronto*; and the Petition of Messieurs *Ross*, *Mitchell*, and Company, and others, of the City of *Toronto*, be now received and read, and the Rules of this House suspended as regards the same.

And the said Petitions were severally received and read; praying for certain amendments to the Act incorporating the Metropolitan Gas and Water Company of the City of *Toronto*.

Ordered, That Mr. *Bowes* have leave to bring in a Bill to alter and further amend the Act incorporating the Metropolitan Gas and Water Company of the City of *Toronto*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. *Chapais*, seconded by Mr. *Bellingham*,³¹

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway, as recommended by the Standing Committee on Standing Orders.

Ordered, That Mr. *Bellingham* have leave to bring in a Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Town of *Woodstock*, and to divide the same into Wards, and to define the limits thereof, as recommended by the Standing Committee on Standing Orders.

Ordered, That Mr. *Matheson* have leave to bring in a Bill to incorporate the Town of *Woodstock*, and to divide the same into Wards, and to define the limits thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

MR. INSP. GEN. CAYLEY moved for leave to introduce a Bill to amend the Act relating to Free Banking.³²

MR. FELTON said that in the case of the Stanstead Bank the Government did not carry out the provisions of the Act. The Inspector General treated the parties as individuals and not as a Bank. The law declared that the parties must open an office in the place where their business was to be done; but such had not been done, and a gigantic swindle had been perpetrated by the negligence of the Government.³³

MR. SOL. GEN. H. SMITH said that the debentures deposited by the Stanstead Bank were perfectly good, and he was of opinion that their notes would be found as good as any others.³⁴

MR. HOLTON concurred in what had been said by Mr. Felton. The Inspector General had not observed the difference between private bankers and a joint stock bank, and had not carried out the proper formalities.³⁵

MR. INSP. GEN. CAYLEY believed that all the enquiries he was called upon to make had been made, but he could not answer the charge now made, without consulting the officer entrusted with this duty.³⁶

MR. AT. GEN. J.A. MACDONALD said that the security was the same whether in the case of individual bankers or of a joint stock bank, and it was of no consequence either to the country or the Government. If the proper formalities were not complied with, the parties would lose the protection of the Act, but the security was the same.³⁷

MR. INSP. GEN. CAYLEY said that when any parties complied with the provisions of the Act, he was bound to fulfil the conditions imposed on the Government, and he had no right to refuse any security allowed by the Act. He had always been of opinion that the security deposited should be much larger than the amount of notes issued, and the bill now introduced was to effect that object. The operations of banks went far beyond the mere issue of notes, and therefore required a larger security than the amount of the issue of notes.³⁸

MR. FREEMAN asked if it was a fact that the public departments had received instructions not to receive the notes of the Stanstead Bank.³⁹

MR. INSP. GEN. CAYLEY replied that no such orders had been issued. The origin of their report was, that all collectors were required to deposit in some bank their daily receipts, and in some places these notes were refused by the banks, and as the collector was ordered to receive them at par, some embarrassment had arisen — a suspicion had been created against the Stanstead Bank, from the fact, that they had put all their notes in circulation in Upper Canada instead of in their own neighbourhood.⁴⁰

MR. POST. GEN. SPENCE made a similar explanation with regard to the money order department.⁴¹

MR. FREEMAN. — Then in fact the chartered banks control the whole issue of the country.⁴²

MR. MERRITT said that some very stringent conditions were necessary or the whole country would be filled with spurious notes.⁴³

The motion was then agreed to.⁴⁴

(611) *Ordered*, That the Honorable Mr. *Cayley* have leave to bring in a Bill further to amend the Act establishing freedom of Banking.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Bill to enable the Reverend *Henry Patton*, Rector of *Cornwall*, to convey certain Lands to the Grand Trunk Railway Company of *Canada*, and to invest the money received for such Lands in trust for the Rectory of that Town, be read the third time To-morrow.

MR. STEVENSON moved the adoption of the 20th report of the standing committee on printing, which contained, among other recommendations, one that the petition of the Mayor of Quebec and others on behalf of John Maguire, Esq., should not be printed.⁴⁵

MR. CHABOT moved in amendment that this petition should be printed.⁴⁶

MR. JACKSON said it was merely a certificate of character to Mr. Maguire, and it had not been thought necessary to print it at the expense of the house.⁴⁷

MR. BROWN asked why the committee on the charges against Mr. Maguire, appointed for two sessions, had not reported?⁴⁸

MR. CHABOT. — They have not sat.⁴⁹

MR. FERRES said he was chairman of the Maguire committee, but as he was also chairman of the Brown-Macdonald committee, he had not been able to do anything with the other.⁵⁰

MESSRS. DRUMMOND ... and FERRIE supported the motion⁵¹.

After some further discussion, Mr. Chabot's motion was agreed to.⁵²

(611) Mr. *Stevenson* moved, seconded by Mr. *Bell*, and the Question being proposed, That this House doth concur in the Twentieth Report of the Standing Committee on Printing;

(612) The Honorable Mr. *Chabot* moved in amendment to the Question, seconded by Mr. *Casault*, That all the words after "That" to the end of the Question be left out, and the words "the Twentieth Report of the Standing Committee on Printing be amended, by leaving out that part which relates to the Petition of *O. Robitaille*, Esquire, Mayor, and others, of the City of *Quebec*," and inserting instead thereof the words "And that the Petition of *O. Robitaille*, Esquire, Mayor, and others, of the City of *Quebec*, representing that the complaints made in the several Petitions presented against *John Maguire*, Esquire, Police Magistrate of the said City, are devoid of truth and groundless, and instigated by feelings of personal animosity, and that the duties of his office are performed by him in a most satisfactory manner; and praying the adoption of measures for the protection of the said *John Maguire*, be printed for the use of the Members of this House" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Twentieth Report of the Standing Committee on Printing be amended, by leaving out that part which relates to the Petition of *O. Robitaille*, Esquire, Mayor, and others, of the City of *Quebec*, and inserting instead thereof the words "And that the Petition of *O. Robitaille*, Esquire, Mayor, and others, of the City of *Quebec*, representing that the complaints made in the several Petitions presented against *John Maguire*, Esquire, Police Magistrate of the said City, are devoid of truth and groundless, and instigated by feelings of personal animosity, and that the duties of his office are performed by him in a most satisfactory manner; and praying the adoption of measures for the protection of the said *John Maguire*, be printed for the use of the Members of this House."

Resolved, That this House doth concur in the Twentieth Report of the Standing Committee on Printing, so amended.

On motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,

Ordered, That the Orders of the day be now read.

And the Order of the day for the second reading of the Bill for incorporating and granting certain powers to the *Canadian Loan and Investment Company*, being read;

On motion of MR. J.S. MACDONALD,⁵³

(612) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

[On motion of] MR. CHISHOLM⁵⁴,

(612) A Bill to separate the County of *Peel* from the County of *York*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to provide for the separation of the County of *Peel* from the County of *York*."

Ordered, That Mr. *Chisholm* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. MERRITT⁵⁵,

(612) A Bill to enable the Town Council of the Town of *St. Catharines* to sell and convey certain Land purchased by the said Council for the purpose of a Public Cemetery, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Merritt* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. WILSON⁵⁶,

(612-613) A Bill to authorize the City of *London* to negotiate a Loan of One hundred thousand pounds, and to consolidate the Debt of the said City, was, according to Order, read the third time.

On motion of Mr. *Wilson*, seconded by Mr. *Scatcherd*, a Clause (And whereas the sum of Sixteen thousand pounds, part of the Debt of the City of *London*, was contracted in the construction of certain main sewers in the said City, and at the time such sewers were directed to be made it was the intention of the Corporation that a considerable portion of the cost of such sewers should be raised by assessing the proprietors of such real property as might be immediately benefited by such improvements; but no By-Law was ever passed by the Town Council of the Town of *London* for that purpose: Be it enacted, that it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of *London*, to assess the proprietors of such real property in

the City of *London* as may abut upon any public street, highway, square, or place through which the said sewers pass, or immediately opposite or near to such sewers for such sum or sums of money yearly in the same manner as the Common Council of the said City of *London*, are by this Act empowered to collect Assessments for the redemption of the said debentures to be issued under the authority of this Act,) was thrice read; and added to the Bill.

And also another Clause (It shall be the duty of the Chamberlain of the City of *London*, whenever any money shall be collected by virtue of the preceding Section of this Act, to invest the same in manner as by this Act is provided for the sinking fund contemplated by this Act,) was thrice read; and added to the Bill.⁵⁷

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the City of *London* to negotiate a Loan of Sixty-three thousand pounds to consolidate the Debt of the City, and for other purposes."

Ordered, That Mr. *Wilson* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. PRÉVOST⁵⁸,

(613) A Bill to authorize the improvement of Water-courses, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Prévost* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. AT. GEN. CARTIER⁵⁹ [OR] MR. DRUMMOND⁶⁰,

(613) A Bill to amend the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, was, according to Order, read the third time.

Mr. *Jean Baptiste Eric Dorion* moved, seconded by Mr. *Papin*, and the Question being proposed, That the following Clause be added to the Bill: The *Lods et Ventes* shall be apportioned in accordance with the value and not the extent of the property, any thing in the Seigniorial Tenures Act of 1854, to the contrary notwithstanding;

Mr. *Casault* moved in amendment to the Question, seconded by Mr. *Bureau*, That all the words after "Bill" to the end of the Question be left out, and the words "The amount payable by the *Censitaires* for the redemption of the *Lods et Ventes* shall be assessed upon the Lands, not in accordance with their extent, but according to their respective value as fixed by the last Assessment Roll made by the Municipal Authorities of the District, and such Roll shall for that purpose be revised by the County Council" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

(614)

YEAS.

Messieurs *Aikins*, *Bourassa*, *Bureau*, *Casault*, *Christie*, *Charles Daoust*, *Darche*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Freeman*, *Huot*, *Jobin*, *John S. Macdonald*, *Mattice*, *Merritt*, *O'Farrell*, *Papin*, *Valois*, and *Wright*. — (19.)

NAYS.

Messieurs *Biggar*, Attorney General *Cartier*, *Cauchon*, *Chabot*, *Chapais*, *Clarke*, *Conger*, *Cook*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, *Drummond*, *Felton*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Gamble*, *Guévremont*, *Labelle*, *Laberge*, *Laporte*, *LeBoutillier*, *Lemieux*, *Loranger*, *Macbeth*, Attorney General *Macdonald*, Sir *A.N. MacNab*, *McCann*, *Marchildon*, *Meagher*, *Mongenais*, *Angus Morrison*, *Munro*, *Murney*, *Polette*, *Poulin*, *Pouliot*, *Powell*, Solicitor General *Ross*, *Shaw*, Solicitor General *Smith*, *Somerville*, *Spence*, *Stevenson*, *Supple*, *Taché*, *Thibaudeau*, *Turcotte*, and *Yeilding*. — (52.)

So it passed in the Negative.

On motion of Mr. *Poulin*, seconded by Mr. *Labelle*, an Amendment was made to the Bill by leaving out the 26th Clause.⁶¹

Resolved, That the Bill do pass, and the Title be, "The Seigniorial Amendment Act of 1856."

Ordered, That the Honorable Mr. Attorney General *Cartier* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill for transferring to one of Her Majesty's Principal Secretaries of State, the Powers and Estates in this Province heretofore vested in the Principal Officers of Her Majesty's Ordinance, being read;

[On motion of] MR. SOL. GEN. H. SMITH⁶²,

(614) The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Clarke* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Clarke* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act for transferring to one of Her Majesty's Principal Secretaries of State, the Powers and Estates and Property therein described, now vested in the Principal Officers of Her Majesty's Ordinance, and for vesting other part of the Ordinance Estates and Property therein described in Her Majesty the Queen, for the benefit, use, and purposes of this Province."

Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

(615) The Order of the day for receiving the Report of the Committee of the whole House on the Bill to provide a uniform mode of incorporating Societies formed for Religious, Charitable, and Educational purposes, being read;

MR. DRUMMOND said before moving that the report of the committee on this bill be received, he had a few observations to make in reference to the bill. The measure itself as it stood before this amendment was proposed by me — met with no opposition whatever. The amendments themselves were received by the House on both sides. I need not say the amendment was assented to by the Government. I little expected therefore that an opposition would be raised against me individually for having proposed that amendment — an opposition conducted in the most fiend like spirit by some portions of the press — by newspapers too, some of them controlled as was said by members of the Government. It is true that their connexion with this opposition was repudiated. But it is due to myself to show that [in] the amendment proposed there is nothing opposed to the laws of France which governed Lower Canada. It is well known that the first object of the amendment is to prevent religious corporations from holding any extent of land not required for their own immediate uses or occupancy. And this word occupancy would not prevent religious or charitable corporations from holding a farm, provided it were cultivated by the servants of that institution. My intention, sir, was to move the House back into committee in order to extend the period allowed to these corporations to dispose of any property that they have received by bequest or otherwise, because the time fixed in the bill did not seem sufficient. I should think to give then two years instead of six months would be advisable. I would also move to strike out the words "the parent." The bill as sent through the country contained the English word parent, translated *parent*, which has a very different signification indeed in French, and means any relation; and if this bill only restricts

any corporation organized under this act, but does not restrict any corporation previously organized, I do not see why these corporations should feel so indignant at this amendment; for this law only applies to corporations organized under it. But if we look at the state of those corporations now in existence what do we find? Do we find them possessed of any great extent of property? No, sir; with the exception of two or three of them, there are few which possess more than is necessary for their buildings, except perhaps a farm which they may cultivate for the use of the institution. In order to show that the amendment is in accordance with the spirit of the laws of France, and the intention of the kings of France, that no religious or benevolent association should hold the broad lands of the country, I will read the Declaration from the King of France in 1743, which will show that in amending our laws I have endeavored to go back to the source of our original laws — to the intention of the Kings of France, the only Legislative power which existed in the colony — which was to restrict the holding of these lands by those corporations. “Whatever favor,” he says, “those establishments may deserve, which are founded on motives of religion and charity.”⁶³ If he [Mr. Drummond] was not a warmer Catholic than his most Catholic Majesty, he could afford to bear the taunts of those who were so ignorant of the law of the land.⁶⁴ It is true that we should take efficient precautions to prevent not only the formation of new establishments without our permission, but also to prevent those which are already authorised from multiplying those acquisitions which take out of the trade a considerable part of the lands and domains of our Colonies — and which could not be regarded but as contrary to the common good of society. It is a great mistake to suppose that this bill has in view any particular class of the community. It relates not only to religious corporations, but to all associations, literary, scientific, and industrial. Why then should any particular class consider themselves more particularly insulted or offended than any other, at the general enactments of this Bill? These enactments were proposed not to abuse or insult any particular class of this community. They relate to all classes. This is an enactment which we find in the general Bill for the State of New York. Nobody there complained of it. No one class of the community considered themselves injured by it. The concluding portion of the clause always took from that Act, and it was this part of it which has caused the greatest degree of indignation. It says, “No demise shall be valid if the will is not executed at least six months before the death of the testator.” Now, our own Common Law of Lower Canada is as restrictive as this. And he was doubtful whether it would not be better to strike out that clause and leave it to the Common Law. But how any man could consider this an insult was what he could not understand, when he found that the same principle was recognized in the laws of the Province. The Church Temporalities Act, passed by the Church of England themselves contained this clause. “The conveyance of land for the general use of said church, or for the use of any church, in order to the validity of such deeds the same shall be made and executed at least six months before the death of the person conveying the same.” This clause was adopted without having looked at the enactment itself, after having consulted with several gentlemen learned in the law in Upper Canada. This Act was passed at the instance of the Church of England themselves, and no one felt insulted by it. What is the difference, then, when the principle is made general. It is true the words “deeds and conveyances” are used in a somewhat different sense in Lower Canada — but the word bequest conveys the idea that we want — and in order to assimilate this law to our eastern laws, I put in the words six months. All that is wanted to convey by this is that the man, so far as the outward appearance went, was in full possession of his understanding — that he had not allowed himself to be influenced by motives — which, although good — were dictated at an improper time. As I am most anxious that a measure like this should pass — a measure which could do without this adjunct, I would rather, in order to do away with that strong feeling, stroke out that part of the clause altogether. No deeds or bequests in favor of any corporation shall be valid if not made and executed at least six months before the death of the testator [sic]. I do so because the common law will be sufficient to prevent any property being held, that has been fraudulently acquired. I will therefore move to strike out these three lines.⁶⁵

MR. J.S. MACDONALD. — I hope the hon. gentleman will send the bill back to the committee of the whole, that the clause may be discussed.⁶⁶

[MR. DRUMMOND] then moved that the Bill be recommitted⁶⁷.

MR. O'FARRELL said he understood the motion of the hon. member for Shefford would preclude any member taking up any other point but those referred to committee. (No, no.)⁶⁸

MR. SICOTTE the SPEAKER said that motion had been withdrawn and a motion substituted that the House go into committee on the bill.⁶⁹

[The motion] was agreed to.⁷⁰

(615)	<p><i>Ordered</i>, That the Bill be recommitted to a Committee of the whole House for the purpose of further amending the same.</p> <p><i>Resolved</i>, That the House will immediately resolve itself into the said Committee.</p> <p>The House accordingly resolved itself into the said Committee;</p>
-------	---

MR. DRUMMOND moved that the words "six months" be struck out, and the words "two years" be substituted.⁷¹

The amendment ... was then carried.⁷²

MR. DRUMMOND then moved that the word "parent," in the clause which prohibited any person from leaving property to a charitable institution who had relatives dependent upon him, should be expunged.⁷³

MR. J.S. MACDONALD did not see why a testator should not look after a parent, although that parent may be aged. Was there any duty more than another devolving upon us than to look after our aged parents. He thought not. He could not see therefore why the hon. member should ... [strike out] the word parent. That parent may be old and may not have many days to live, but still they should not deprive a man desirous of doing justice to a parent from carrying out the very instincts of his nature by making provision for the care and protection of his parents in their old age.⁷⁴

MR. POULIOT would vote against the bill, and denied that the amendment would be satisfactory. There was no reason to restrain the right of requests [sic] in favor of corporations unless it was the insulting one that it was pretended these bodies had used improper influences to obtain property.⁷⁵ [He] could not understand why any man should be prevented from leaving his property to whomsoever he pleases, by testament, as long as he was in possession of his intellects. That clause was extremely distasteful to the people of Lower Canada, and he would therefore move that the sixth [sic] clause be struck out; and if the motion did not succeed, he would renew it when the Bill was reported to the house.⁷⁶

MR. CHABOT said the Government of France had always regarded corporations with a certain jealousy, and the King of France and Cardinal Richelieu who were probably as good Catholics as the member for Dorchester, had thought it proper to prevent these institutions from gaining too much property.⁷⁷ And at various other epochs, [the Government of France] enacted restrictions on grants to religious, or other corporations.⁷⁸ He then went on to show that only corporations, specially authorized to take legacies, could do so under the law, and that heirs were protected from the weakness of testators who might be disposed to give too much of their property away.⁷⁹ By the ancient law of France a man could not leave by testament more than one-fourth of his property to corporations, or other than his natural heirs; in the act of Lower Canada, of 1801, restrictions were still maintained. That act said to a corporation — you may incorporate yourselves if you please, but you have no right to accept more than one-fourth of the property of a testator, where a wife and children are left. He [Mr. Chabot] was as good a Roman Catholic as Mr. Pouliot, and imagined that he could say that without boasting; but he conceived that he had a right, and the house had a right, to make restrictions in matters of this kind, if they were

in the general interest.⁸⁰ Besides it must be understood that the power of legislating did not cease, and that Parliament might grant new powers to new corporations. If a man like Mr. Astor, for example, desired to create a corporation with a fund, there was no reason to suppose that any Legislature in the world would refuse a special act.⁸¹

MR. PAPIN supported the clause [sic] as far as it would go, when amended as proposed by Mr. Drummond at present; but he believed it was as necessary to protect decrepid parents quite as much as to protect wife and children.⁸² If the amendment of Mr. Drummond were carried in its present shape, a man might leave all his property to religious corporations, except in those cases where a wife and children are living. The consequence would be in some cases that an aged father or mother might be left wholly without support.⁸³

MR. DRUMMOND was of opinion that a wife and children have a right to more than a mere subsistence from the property of the husband, but he did not look on the parent as occupying the same position. Besides, there was no necessity for including the parent in this clause, because the law of Lower Canada now protects the parent, for if a man bequeaths all his property to a corporation, or an individual, the parent may sue the universal legatee, whether it be a corporation or an individual, for the means of support. However, he had no objection to insert the words "father" and "mother" in the clause.⁸⁴

MR. J.S. MACDONALD would propose such an alteration of the clause as he thought would meet the views of Mr. Papin. The clause as it stood would permit the total deprivation of all the relatives of a man, excepting his wife and children, of his property by will to a corporation. Now, it must be apparent that there are hundreds of persons possessing property who have brothers and sisters, although having no wife or children. The exclusion of brothers and sisters from a right to the property of their deceased relative, he could not agree to, and he would propose that the words "father and mother and sisters and brothers" should be inserted.⁸⁵

MR. TURCOTTE would agree with the member for Glengary if he could understand the obligations existing between brothers and sisters. Towards wife and children, father and mother, obligations do exist which cannot be traced towards other relatives.⁸⁶

MR. LABERGE could not concur with the member for Glengary fully.⁸⁷ [He] agreed with the member for Maskinonge, that the direct line should not be departed from.⁸⁸ If the operations of the clause were extended to brothers and sisters, it ought also to be extended to cousins and other collateral relatives. In fact, he could very well understand why there should be a greater obligation towards a cousin, in many cases, than towards a sister.⁸⁹ But according to the principles of the civil law, as well as according to those of religion and common sense, all the line direct should have the advantage of this protection. He, therefore, would desire to change the clause as amended in committee so as to include the ascendants and descendants in line direct — no matter how far removed, as grandfathers and grandchildren, or great grandfathers and great grandchildren.⁹⁰

MR. PAPIN hoped that Mr. Drummond would accept the suggestion of Mr. Laberge.⁹¹

MR. O'FARRELL wanted to know why, when the hon. member for Shefford admitted that the law was now the same in Lower Canada as exists in his clause, there was any necessity for this amendment? (Hear, hear.)⁹²

MR. TURCOTTE replied: — On account of the law changing the law of Lower Canada.⁹³

MR. O'FARRELL objected to the clause because it was immoral in its nature and tendency. It permitted the testator to bequeath his property to his concubine, if he pleased to the exclusion of his wife

and children. He held that a clause which said it was immoral to bequeath property to religious corporations while it permitted it to be given to a common concubine was immoral.⁹⁴ (Order, order.)⁹⁵ It is a law containing the principle that religious corporations are less to be favoured than concubines. If this clause is not struck out he would vote against the bill at every stage.⁹⁶

MR. FELLOWES suggested to the hon. member for Lotbiniere to move that the word concubine should be put in the bill, and then its immoral tendency would be provided against.⁹⁷ [He] thought that, when testators leave property, it should go to their wives and children, and, failing them, to their fathers or mothers.⁹⁸ He was averse to permitting bequests of any kind to be made, but that all such property should be administered under the common law. But the clause of this bill was so much to his mind that he was prepared to go for it.⁹⁹

MR. ALLEYN thought that the Bill was a very wise one, if the two last lines were struck out of the clause.¹⁰⁰ [OR] [He] was prepared to assume the responsibility of voting for this bill if the three lines were struck out.¹⁰¹

CAPT. RHODES thought that the hon. member for Dorchester had not given the matter that attention which it demanded. As far as he was personally concerned, he thought that some clause preventing parties bequeathing their property, a short period before their death, to these institutions, would be a great benefit to Lower Canada. He objected to striking out the sixth clause.¹⁰²

MR. CHAPPAIS was entirely of the opinion of Mr. Pouliot, and thought the clause entirely unnecessary and useless.¹⁰³ [He] could see no utility in changing the present law, and believed there were very few cases in which there was any wrong done by testators forgetting their natural ties of relationship, in making their testamentary dispositions. He thought every Christian ought to vote against the bill. It would prevent persons who had gained property improperly from making compensation at his death, and so relieving his conscience from the offence he had committed.¹⁰⁴

MR. PAPIN was much astonished at the argument of Mr. Chapais. He could scarcely understand¹⁰⁵ how it would relieve the conscience of the hon. member, supposing he had wronged him, if on his death bed, the hon. member beque[a]thed his property to some one else, or to a corporation.¹⁰⁶

MR. CHAPPAIS declined to discuss any particular cases; but there were certainly instances in which a man having acquired property by illegitimate means, would not desire at his death that his family should possess such property.¹⁰⁷

MR. TURCOTTE said to strike out the clause entirely would prevent corporations from being able to hold any property.¹⁰⁸

After some discussion,¹⁰⁹

MR. DRUMMOND amended the clause as suggested by Mr. Laberge,¹¹⁰ [substituting] the words ascendant and descendant [sic] ... for the word parental.¹¹¹

[The motion] then passed.¹¹²

MR. DRUMMOND then moved to strike out the clause limiting the time to make bequests.¹¹³

MR. J.S. MACDONALD could not understand why the [ex] Attorney General should now attempt to alter the bill after it had been adopted by the House, and given universal satisfaction throughout the country. He hoped the alteration would not be made, but that it would be adopted as it was brought in.¹¹⁴ [OR] Mr. J.S. Macdonald explained that the Bill had been received with great dissatisfaction in

Upper Canada; but it would be better to let it go to the country in the state in which it was originally brought forward by the hon. member for Shefford.¹¹⁵ The Government had declared they would support it with its amendments.¹¹⁶

MR. DRUMMOND said he made his amendments with a view to assimilate his bill to the Church Temporalities Act — an Act which was framed under the supervision of the Protestant Clergy themselves. He believed the enactment was a good one, but at the same time it was of minor importance, and he did not think they should expose the bill to the unpopularity of any class of the community. He would like to have seen the clause retained, but rather than peril the bill or make it unpopular, he would sacrifice this part of the clause, which after all was of less importance than the other part of the measure. He would however throw himself entirely upon the good sense of the House.¹¹⁷

MR. PAPIN. — I think if the hon. member for Shefford is really of opinion that this last part of the amendment is good, he ought [not] to withdraw it for fear of being unpopular.¹¹⁸

MR. DRUMMOND. — I do not care a fig for myself.¹¹⁹

MR. PAPIN. — Then if the dispositions are good and sound I think the bill will be unpopular only among those who do not understand it. The hon. gentleman ought to look for what is right, what is sound, what is just, and not consider whether that part of his measures will be unpopular in a certain part of this country, and which certainly will not be a large part. I do not think that one fourth or one-fifth of the members of this House will be opposed to it.¹²⁰

MR. CHABOT was in favor of all restrictions that could be reasonably justified; but this could not be so justified, notwithstanding that he knew it prevailed in English and American law. Suppose a man in good health and sound mind were to make his will, he had the right to make it in whatever way he would. But suppose he died in less than six months afterwards, should his bequest be nullified [sic] by that circumstance he thought not.¹²¹

MR. PAPIN said the reason of the restriction of time was to prevent persons from being influenced by fears of death, when his mind was weakened by disease. He therefore desired to protect families against improper influences being brought to bear upon dying persons. He thought, however, the clause might be modified, and would move in amendment that no bequests made in the last sickness should be valid.¹²²

MR. SOL. GEN. D. ROSS said that when a man was attacked by a deadly disease, in nine cases out of ten while his corporeal functions were weakened, his mental faculties were left clear. Ought a man in those circumstances to be prevented from making a disposition of his property? But he had, moreover, a strong objection to the clause in the abstract. It was true there had been cases in which parties had been prevailed on in a moment of weakness to make an unfair disposition of their effects. He knew of one case in which an estate of £129,000 had been disposed of by a man who had lost his vigour of intellect, and there might be other cases in which advantage had been taken of persons in a moment of weakness to induce them to leave property to institutions, while their relatives were left in beggary. But they should legislate, not for exceptions, but for the generality of cases, and that was the strong objection he had to this clause.¹²³

MR. J.S. MACDONALD wished to know what the Government intended to do. When the amendments were brought in they were supported by the Government, and when the new Government was formed they declared they were prepared to proceed with this measure with its amendments. Here then was the first instance of the Government support¹²⁴ — the Solicitor General East getting up and throwing cold water on what was desired by the country.¹²⁵ He (Mr. Macdonald) did not know a clause in that bill more desirable than this one — a clause which prevents parties when in a state of debility from being

imposed upon. And yet the hon. gentleman has quoted several of these cases where this infamous interference has been practised — where advantage has been taken of a dying man by his father confessors — or by the influence of friends or spiritual advisers, he has in his last moments of suffering been induced to make a will — not for the good of the community or for the support of those dependent upon him, but for the benefit of persons in whom he is in no way interested. It was the duty of the House not only to prevent the recurrence of such things, but even to prevent the suspicion of them being entertained. Let this amendment stand. We comprehend its meaning. It is already in the Church Temporalities Bill,¹²⁶ and as such a provision ... had not been considered an insult by the Church of England, he did not see why this should be considered an insult by the church to which he himself (Mr. M.) belonged.¹²⁷ Let all be put upon an equality and then we shall have peace and quiet in the country.¹²⁸

MR. DRUMMOND said that the clause was not intended in any way to countenance the unfounded suspicions and accusations which had been brought against the ministers of his own church. From the long experience he had of them, he did not know any class of the community who ought to be more free of suspicions of the kind. So far from wishing to injure them, he had wished to protect them and raise them above suspicion. The argument of the Solicitor General struck at the whole clause, but he (Mr. D.) only desired to strike away the latter part of the clause — the most important part of the amendment being found in the first portion of the clause. He had thought it important that the time should be restricted for making these wills, in order that no room might be left for suspicion. At the same time, he wished to have the measure carried through in such a way as would secure the support of the whole community and settle the matter finally.¹²⁹ And he would assure the hon. member for L'Assomption that so far as he (Mr. Drummond) was concerned he did not care whether he was popular or not; but at the same time it was the duty of a legislator to make his laws as palatable as possible. While therefore willing to submit to the majority of the House, he would say that it was a good amendment and ought not to be objected to. (Hear, hear.)¹³⁰

MR. SOL. GEN. D. ROSS explained that he had not attacked the whole clause, but only the six months restriction.¹³¹

Some remarks of a personal nature were passed between MR. SOL. GEN. D. ROSS and MR. J.S. MACDONALD.¹³²

MR. ALLEYN supported the striking out of the latter portion of the clause.¹³³

MR. FREEMAN then expressed his approval of the clause in its original form.¹³⁴ [He] said the effect of striking out the latter portion of the clause would simply be to legalize the superstitious devising of a man's property to the extent of one-fourth of the whole.¹³⁵

MR. AT. GEN. J.A. MACDONALD stated that although the Government had pledged themselves to proceed with this measure, they did not bind themselves to carry out all its details. He objected to that part of the clause which was now under discussion, as it was a restriction upon the liberty of the subject, such a restriction as no Englishman would submit to.¹³⁶ It was considered to be one of the most precious rights of an Englishman to be able to dispose of his property at death by will in whatever manner he pleased¹³⁷, and therefore at this moment there was no such law in England, no law preventing any individual from conveying his property to strangers or charitable institutions, or founding colleges or anything else just as he pleased. However, for the laudable purpose for which this resolution is made, it was as well perhaps to submit to it.¹³⁸ He was strongly in favour of the principle that a man should be allowed to do with his own, what he liked, if in the full possession of his faculties. They could never get John Bull to put such a restriction on himself, as this about the six months, and the British Parliament under no pressure would pass such a clause.¹³⁹

MR. BROWN. — They have done it.¹⁴⁰

MR. AT. GEN. J.A. MACDONALD went on to say that it would be unfair to set aside a man's bequests, made in the full enjoyment of health and mental faculties, if by some accident, as by a railway collision or otherwise, he should lose his life at a period less than six months after making them.¹⁴¹ In such a case the will, although made while the person was in sound health, would not be valid. From such a consideration as that, he was inclined to go strongly for letting a man do with his property just as he pleased. In England such restrictions would not be listened to. There were, however, strong suspicious feelings in this country, and it was perhaps necessary to do something to allay that suspicion. The bill was however a good bill without reference to that clause. To have a general bill of this description, and thereby obviate discussions on this subject every session was a good thing itself. But he was aware that there had been considerable opposition to these amendments. If they were to get on well in this country they ought [sic] not to legislate against the feelings or even the prejudices [sic] of any section of the community. All such measures must be a sort of compromise. It would be a great wrong to pass such a measure as this, which would have a direct tendency to irritate [sic] one section of the country.¹⁴²

MR. HOLTON. — Whatever force there might be in these objections to the Bill now, there must have been a few weeks ago when the honourable member approved of this proposition¹⁴³ as a member of the late Government¹⁴⁴. Why did he promise to carry out this Bill with all its amendments as it previously stood, when he is now pointing out its absurdity? This was a gross inconsistency on the part of the Attorney General.¹⁴⁵

MR. AT. GEN. J.A. MACDONALD. — I do not characterise it as absurd.¹⁴⁶

MR. HOLTON. — You endeavour to make the proposition appear absurd by declaring that no Englishman would submit to it. It was however incumbent upon the Attorney General to show why he assented to a proposition of this kind before — and why he stated to the House that it was the intention of the Government to proceed with this measure, embracing all the amendments of the [ex] Attorney General East.¹⁴⁷

MR. AT. GEN. J.A. MACDONALD said that when a minister introduced a bill based on a great principle, he was not iron-bound to all its details and should not run a risk of losing the principle for the sake of the details. He would be quite satisfied to see this clause carried, but preferred to carry the Bill without it than lose it with it.¹⁴⁸

MR. BROWN. — No danger we will support the Government.¹⁴⁹

MR. AT. GEN. J.A. MACDONALD. — We assumed the responsibility of carrying on all the measures of the late Government just as they were left, but if we find in any of these measures that it is the sense of the House that some of its details should be altered, it would be very wrong of us to object to make that alteration merely to show that we believed that when the bill was brought in — every section was perfect in itself.¹⁵⁰

MR. HOLTON considered that before the hon. gentleman saw the sense of the House was against the details of the measure he ought at all events to have taken the sense of the House. His own impression was that there would be no difficulty whatever in carrying that clause by a very large majority if the Government were desirous to do so. He did think that they had no right whatever to assume that the sense of the House would be against it. He was free to admit that even should the sense of the House be against this clause the Government were bound to go on with the bill. It was not a test question. But having committed themselves to the principle contained in this clause, they had no right to depart from it until the sense of the House has been taken upon it.¹⁵¹

MR. DRUMMOND could not agree with the hon. member for Glengary, that this clause was the most important in the bill. Even though this clause were struck out the bill itself was a very important one.¹⁵²

MR. FERRES said that time was no test of a man's health. They should look at other countries and see what test was applied there.¹⁵³ They should adopt the principle in the Scotch law, which was that after a man makes a bequest of this kind he must be seen at kirk or market unsupported, or the will is not valid.¹⁵⁴

MR. FELTON. — That may depend much upon whether he is a sober man.¹⁵⁵

MR. FERRES. — That was Scotch law and it was reasonable and right. No matter when a man made his will, the ability to appear in public and transact business was a better test of health than *time*.¹⁵⁶

MR. FREEMAN entirely dissented from the law laid down by the Attorney General.¹⁵⁷

After some further remarks,¹⁵⁸ the motion to expunge the latter part of the 6th clause was ... put and carried on a division, yeas 41, nays 35.¹⁵⁹

MR. PAPIN then moved that the Bill be amended by adding the following clause — That no disposition or legacy in favour of a charitable or religious institution shall be valid if made during the last illness of the testator.¹⁶⁰ In support of his amendment he said, that in the ordinance of 1743, there was an absolute prohibition of testamentary bequests of property to *gens de mainmorte*. There may have been objections to fix a period of six months before death, as the time within which a man should not make his will in favor of Corporations, but that was not an objection to his amendment.¹⁶¹

MR. DRUMMOND said the same objection — that of determining the last sickness — applied also to the amendment. Sometimes the last sickness commenced in early youth and continued as much as 15 years before the victim finally sunk beneath its weight. And although the sufferer might not be all this time suffering actually, yet the seeds of the disease were working and hastening death. He could not support this amendment.¹⁶²

MR. BROWN begged to call the attention of the house to the present state of the law in England, and to the report of the last committee which sat on this subject. After speaking of the evils that have arisen from the bequests made by dying persons, they go on to recite the present state of the law. In England no land can be given by will for any charitable purpose. A valid gift of land to a charitable purpose can only be made, subject to the following conditions: — First — The gift must be by deed. Second — The deed must be executed in the presence of two or more witnesses. Third — It must be executed twelve months before the death of the grantor. Fourth — It must be enrolled in the Court of Chancery within six calendar months after the execution. Fifth — It must take effect immediately, and be irrevocable. — Sixth — It must contain no reservation whatever for the benefit of the grantor. These are the conditions of the law in England which were not considered strict enough. The Attorney General said that no one would think of putting in such a restriction as that of sickness, but such has been done in Scottish law. The clause now struck out was the best part of the bill, which even then would not be nearly as stringent as it is in England or even in Austria, and not one-fifth as stringent as the Italian law is at this moment. — And yet at this day we find persons voting down a Bill for this country to avoid what has been so productive of evil in other countries. He would vote for the amendment on the general principles.¹⁶³

MR. AT. GEN. J.A. MACDONALD said that he would oppose the amendment. He did not agree with the principle of the bill.¹⁶⁴ The laws of mortmain arose from the fact that before the days of alienation these corporations had the power of accumulating property which could not be disposed of — it was

considered sacrilege to convey it away. These were the evils which the law of mortmain was passed to avert. By the present law these corporations have full power of disposing of all property, and there is no danger of its accumulating to such an extent as to cause the evil complained of.¹⁶⁵

MR. BROWN said that it was quite clear that the hon. Attorney General was not posted up on the statu[t]es of England, which provided these and all such laws should be abolished.¹⁶⁶

The motion was then put and lost.¹⁶⁷

The committee then rose and reported the bill.¹⁶⁸

(615) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Loranger* reported, That the Committee had gone through the Bill, and made further amendments thereunto.
And the Question being proposed, That the Report be now received;

MR. J.S. MACDONALD moved to reinsert that part of the 6th clause which provided that no bequest should be valid unless made six months prior to the death of the testator. For days and days the Attorney General gave the house to understand that they would go on with this Bill as it was amended, and he now charged the ministry with having denied their support to these amendments.¹⁶⁹

MR. HOLTON hoped the house would clearly understand that this was the clause which the ministers themselves introduced and then struck out.¹⁷⁰

The motion was put and lost¹⁷¹.

(615) The Honorable *John Sandfield Macdonald* moved in amendment to the Question, seconded by Mr. *Brown*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to restore the words 'and no device or bequest in favor of any such Corporation shall be valid if made in any Will not executed at least six months before the death of the Testator' at the end of the Sixth Clause" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bellingham, Brown, Chisholm, Christie, Cook, Darche, Jean B.E. Dorion, Antoine A. Dorion, Fellowes, Felton, Foley, Freeman, Galt, Gamble, Hartman, Holton, Jackson, Macbeth, John S. Macdonald, Mackenzie, Murney, Mattice, Munro, Papin, Patrick, Rhodes, Scatcherd, and Southwick.* — (30.)¹⁷²

NAYS.

Messieurs *Alleyn, Bourassa, Bureau, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Conger, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Drummond, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, McCann, Marchildon, Masson, Meagher, Mongenais, Angus Morrison, Polette, Poulin, Pouliot, Prévost, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.* — (52.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. PAPIN said it would be an injustice to make any distinction between the corporations to be formed under this Act, and those which are already in existence. If the Bill passes in its present shape, any person so disposed may leave the whole of his property by will to any existing religious institution,

whether he had wife and children, father or mother, while he would be empowered merely to will over one-fourth of his property to any corporation established hereafter. For this reason he moved that the report of the committee be not received, but that the Bill be recommitted for the purpose of amending it by extending those provisions of the Bill, which limit the power of parties testating in favour of religious corporations, to those corporations that exist[ed] previous to or at the time of passing this Act.¹⁷³

MR. CHABOT said that the corporations now existing have the right of acquiring property by testament, to a limited amount, and the House has not the right to interfere with the powers conferred on those corporations by their charter as this amendment proposes. Besides, such an amendment is retroactive in its effect, and a sufficient number of discussions on measures retroactive in their tendency had already been had in the Parliament of this country to prove that it is decidedly adverse to that species of legislation.¹⁷⁴

MR. DRUMMOND thought it would be highly improper to introduce into this bill any clause which would effect [sic] the rights of existing institutions, and institutions which have acquired rights each on a peculiar footing. The object of that Bill was merely to legislate for the future. It placed all religious corporate bodies which might be hereafter formed on one and the same footing, and he hoped that it would put an end to the very objectionable appeals made to the legislature by religious bodies for special Acts of incorporation. There might be some very extraordinary cases which this Bill might not perhaps meet, but so broad were its provisions that he could not foresee any case where a special Act would be required or applied for. He thought this amendment, if it became law, would excite strong feelings of hostility against the Bill, and he trusted that on that account the house would not consent to pass it.¹⁷⁵

MR. FELLOWES could not concur with those who think that the extension of the provisions of this Bill to corporations which already exist would give it a restrictive effect. Would Mr. Drummond say that the charters which have been given to those corporations confer on them the right of accepting all the property of a testator, no matter whether he has a wife and children? No, it is impossible for him or any other member to say that the rights and charters of those corporations would be infringed on by permitting them to take only one-fourth, like corporations to be hereafter formed. This amendment will take nothing from them that they have hitherto possessed by right of their charters, and if good for the institutions to be incorporated under this act, it must be equally so for all others.¹⁷⁶

MR. AT. GEN. CARTIER, MR. TURCOTTE, and some other gentlemen spoke against the amendment, saying th[at] the existing Corporations possessed vested rights accruing under their charter, and that it would be an invasion of those rights to incorporate the proposed amendment with the new law.¹⁷⁷

MR. PAPIN replied, saying that the pretension, that there was any question of vested rights in this matter was absurd. The incorporations now in existence might no doubt have vested rights in the properties they already possessed; but they could have none, whatever, in the property of Mr. Turcott[e] or in that of any other gentleman. Yet if these [sic] were really anything in this pretension, that these institutions had vested rights, opposed to his amendments, the rights must be in the property of all the rest of the community, which he desired to protect. There were some members in that House who were said to be more Catholic than the Pope. At any rate, there were some who were more Christian than His Very Christian Majesty, the King of France. Since he had legislated for Canada, he had seen none of the objections now started [sic] to Legislation, similar to that contained in his amendment. In proof of this assertion, he read the 10th Act of the Ordinance of 1743, in which bequests of real property to religious communities were forbidden, and in which it was expressly stated, that this provision of the law should apply to existing communities, notwithstanding they might have in their letters patent of certain clauses authorising them to take real property. Again, if it were an invasion of acquired rights to repeal, by a

general enactment, privileges granted by acts of incorporation, the member for Laprairie, who so strongly opposed his amendment, must have been guilty of the same wrong in proposing to make the Banks redeem their notes elsewhere, than at the place of issue, which was opposed to their charters.¹⁷⁸

MR. SOL. GEN. H. SMITH explained the nature of the bill at some length.¹⁷⁹ The Bill is intended to meet the future, and not to affect the past; and if this proviso were adopted, the effect would be that the house would be adopting a species of retroactive legislation. It would be most injurious to all existing corporations,¹⁸⁰ [as] the effect of the amendment would be to deprive existing Corporations of the rights which they now possess. The amendment proposed was in fact, an amendment to all the charters issued by this House to charitable institutions. Hon. gentlemen should see the danger of this amendment.¹⁸¹ He therefore trusted that it would be rejected by the house.¹⁸²

MR. J.S. MACDONALD said that the Attorney General had said that he must give his dissent to this amendment. He should like to know if that gentleman ever replied to a proposition that came from this side of the House, either this session or last session. But he was astonished that so liberal a member as the Solicitor General should oppose this amendment.¹⁸³ This Bill had been imposed on the Government, in consequence of the reiterated complaints caused by those corporations acquiring large and almost unlimited quantities of property to their great detriment, and danger of the public weal. The Bill as amended had taken the country by surprise, and excited the greatest satisfaction, but as it now stands, it is injurious in its tendency. It will permit a man, disposed to deprive his wife and children, or his other relations, of their right to his property after his death, to will it away to any of the institutions now established, although he may be able to will away only one-fourth to an institution to be established hereafter. You restrict the subject as to the disposition of his property with regard to one class of institutions, and leave him full scope to deal with it as he pleases towards all others. He could not understand the logic or the force of the argument that Parliament has no right to interfere with the amount of property acquired by religious corporations. He thought that Parliament had a right to impose some limit, and challenged the Attorney General to deny it. He was satisfied that public feeling in Upper Canada is opposed to the Bill in its present shape¹⁸⁴. Let the House put all corporations on the same footing if it wished to give satisfaction. He was sure that the vote of this House would show that the majority of the Upper Canadian members were not satisfied with the legislation of this House.¹⁸⁵

MR. AT. GEN. J.A. MACDONALD fully agreed with the last speaker, that when religious corporations acquired so much property as to become dangerous to the public interests, Parliament should interfere; but the danger had been already guarded against, as the amount of property which may be held by any religious body now incorporated is limited by charter. The member for Glengary was wrong in saying, that this general bill had been introduced in consequence of a pressure caused by complaints of danger, arising from the accumulation of property to a large extent, as it was introduced in reality to avoid the inconvenience of dealing, year after year, with special acts of incorporation, claiming various powers and privileges. That was the real and sole cause of this bill being laid before the house. The Corporations which now existed under Legislative enactment, had certain powers conferred upon them, which override every thing else, and a motion was now made by the hon. gentleman, which would have the effect of destroying the rights conferred upon those corporations.¹⁸⁶

MR. BROWN inquired, what rights?¹⁸⁷

MR. AT. GEN. J.A. MACDONALD. — The rights to hold real and personal property.¹⁸⁸

MR. BROWN thought not, but to acquire property.¹⁸⁹

MR. AT. GEN. J.A. MACDONALD could only say that if the rights which they held in any way injuriously affected the public welfarei [sic] they could be taken away, but they should not be deprived

of vested rights.¹⁹⁰ He admitted that the public weal must be considered beyond private rights, but at the same time those private rights that had been sacrificed must be compensated for. Would it be right for the House — without any notice whatever — to repeal all those acts that had been passed by the House, conferring on those corporations the right that it was thus sought at once to take away. Such, most assuredly, the House would not do.¹⁹¹ They were bound to consider that the Legislature granted them these rights after mature consideration, and if so, they should not be disturbed, but at all events,¹⁹² if the right that had been conferred on those corporations by a solemn act of Parliament operated injuriously on the public weal, then they should be taken up separately and dealt with accordingly. This was the plan adopted in England when such a case happened; the corporations were dealt with separately, and each was allowed to be heard. There must be some public faith held with the corporations holding those rights. They have no opportunity of pleading for themselves.¹⁹³

MR. AT. GEN. CARTIER rose to a question of order. The amendment before the House, he contended, was contrary to the 62nd rule of the House. If this amendment was carried, it would act as an amendment to all the acts already passed, incorporating religious societies — and the parties interested according to the rule should have notice given to them of the change.¹⁹⁴

MR. BROWN thought that the hon. gentleman's view capped the climax of those taken by the Attorney General West. (Hear, hear.) But if they saw the arguments they had given written out, they would shrink from them. (Laughter.) The point of order raised by the Attorney General was absurd. The Attorney General West had said that these corporations had vested rights. Now what vested rights had they in that hon. gentleman's property? (Hear, hear.) What vested right had the Presbyterian Church of Kingston in the hon. gentleman's property? It was a ridiculous idea. But really one could not understand the extraordinary things said by lawyers. (Laughter.) The Attorney General West told the House just now, "Here is a vested right in this property, and you would do away with the right of all those corporations without giving them notice," and in the next breath he lays down the proposition "That where public rights are liable to suffer, that therefore private rights must share the same fate upon indemnification." (Hear, hear.) Now he (Mr. B.) would like to see how the loss sustained by these corporations would be liquidated by a law limiting the amount of property which should be given to them, or declaring that property given by will should not be bequeathed within less than a certain time from the time of the decease of the testator. He was surprised that the Attorney General should seek to reject the clause upon such an argument.¹⁹⁵

MR. SICOTTE the SPEAKER ruled that the motion was in order.¹⁹⁶ [He] referred to the 62d rule of the house as to the notice to be given to the parties, and said that the proposition of the motion only was to adopt a general rule of policy to amend part of the civil law, but in his opinion it was not intended to amend that, it was only carrying out that which is now the civil law of the land as to vested rights.¹⁹⁷ It did not provide for to change the rights already existing in corporations that at present exist.¹⁹⁸

MR. BROWN hoped that the Attorney General East would be satisfied that his point of order was one which had never occurred to any one before except to a lawyer. (Laughter.)¹⁹⁹

MR. DRUMMOND wished it to be understood that as he was referred to, he had said but this, that he wished that this Bill might stand independently as applicable to all corporations which might be organized under it. This Bill merely applied to corporations to be organized under it, and he would wish not to see any enactments introduced whatever, affecting corporations not organized under it.²⁰⁰ He made this explanation in order that hon. gentlemen might not mistake his views, as they seemed to do.²⁰¹

MR. BROWN was quite satisfied, but was astonished that the hon. gentlemen did not recollect that there was not one of those corporations to which they alluded, who were not by clause subjected to the

operation of the general law of the Province. The hon. member for Shefford's objections to the amendment were not tenable, and were not consistent with the principle of his Bill. Only fancy the hon. member for Shefford proposing by this general Bill, that no person shall have the right to will more than one-fourth of his property to any new corporation. What was the object of that? Why, to protect the relatives of a testator. (Hear, hear.) Did not the hon. member see that he left the testator as much exposed now as ever to solicitations upon his death-bed? And would not the Bill be rendered nugatory if the testator could be induced to give one-fourth of his property to the new corporation, and another part to the old. If the Bill was to go for any thing, the amendment of the hon. member for L'Assomption must prevail. Why should the public be misled by being led to believe that a restrictive law was being passed, when the Bill allowed as many corporations to be created as people pleased.²⁰²

MR. COM. CR. LANDS CAUCHON asked if it was not a fact that in every Incorporation Act there was a clause providing that the corporation should be subject to the law of the Province. If that was so, why trouble them? The object of the old law was to prevent legislating for private corporations; but it was desirable to obtain a general law, so that Parliament might not every moment have to legislate upon different private corporations.²⁰³ He upheld the principle of the bill, and illustrated it by saying that if a railroad company or corporation came to the House for a new privilege, the House would at once consent to grant the privilege but at the same time it would impose certain conditions on the company. But when the old corporation[s] ask for no new privileges, how can the House touch them, or impose any conditions upon them. It is impossible.²⁰⁴ [OR] Why should those new corporations be touched if they did not come for new privileges? They did not do so, and they should be let alone.²⁰⁵ It was very dangerous for the House to go too far, and he warned them how they thought of doing such a thing. He advocated a measure that would regulate the future, and advised the House to ask its way on step by step. The act distinctly sets forth that the corporations shall not have the power to hold any property except such as is required for the use of the corporation. How then can danger be apprehended from them, that it is sought to change their constitution.²⁰⁶ These corporations had no longer the mortmain law to help them, it was long ago extinguished, and there was no danger of their accumulating large masses of property as formerly.²⁰⁷

MR. LORANGER opposed Mr. Papin's amendment, considering that it would be unjust to affect the rights of old corporations by a measure intended only to regulate the powers of new ones.²⁰⁸

MR. WILSON, in reply to the member for Quebec as to the mortmain law in France, stated that in France corporations could always sell their property by a license. Now the corporation could sell the lands; but they never did — they kept them for the use of the church. There is nothing wrong, therefore, in voting for the present amendment. It was indeed stated that it was unjust to those already in existence; but he could not see how that was.²⁰⁹

MR. TURCOTTE appealed to the member for London, as a lawyer, whether it was more just to apply this principle to old corporations, than it would be to apply to them another clause, which provided that no real property should be held, except such as was required for the actual use of the corporation.²¹⁰ If the principle of the hon. member for London was right it might be equally applied to the property that these corporations will hold.²¹¹

MR. WILSON said, it was one thing to say that property should in future be willed to corporations only under certain restrictions, and another thing to alter their tenure of the property they had already acquired under their charter.²¹² There may be a special act given increasing those corporations.²¹³

MR. TURCOTTE said that they were limited by their charter. He condemned the amendment.²¹⁴

MR. PAPIN replied to the arguments which had been adduced against his amendment.²¹⁵

MR. FELTON thought they would run a great risk of losing this bill altogether if they tried to carry it any further. At the same time, he regretted that the member for Shefford should have given way to the clamour that was raised against his amendment.²¹⁶

The House then divided on the amendment²¹⁷.

(615) Mr. *Papin* moved in amendment to the Question, seconded by Mr. *Jean Baptiste Eric Dorion*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same, by enacting that the provisions of the Bill which limit the right of bequeathing property to Corporations to be created under or by virtue of the said Bill, be extended to all Corporations of the same kind, heretofore or now in existence at the passing thereof" inserted instead thereof;

(616) And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Biggar, Bourassa, Brown, Chisholm, Christie, Church, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Fellowes, Foley, Freeman, Hartman, Holton, Huot, Jackson, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Murney, Papin, Patrick, Rankin, Rolph, Scatcherd, James Smith, Southwick, Valois, Wilson, and Wright.* — (40.)

NAYS.

Messieurs *Alleyn, Bellingham, Bowes, Bureau, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Drummond, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.* — (54.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. PAPIN then moved to recommit the Bill, to add a clause compelling all present corporations to come under its power, so far as relates to their power of acquiring real estate.²¹⁸

MR. LABERGE asked the Speaker if the motion was in order, as it would interfere with rights granted by charters already given.²¹⁹

MR. SICOTTE the SPEAKER gave it as his opinion, that the motion would have that effect, and be out of order, according to the meaning of the 62nd rule, but stated that it was for the house to put its own interpretation on that rule, which they would do by voting yea or nay upon the motion.²²⁰

MR. BROWN contended that it would be scarcely possible to establish any principle which would not interfere with some vested right. The parties obtaining these special charters took them subject to any general law that might be enacted.²²¹

The motion was then put and lost²²².

(616) Mr. *Papin* moved in amendment to the Question, seconded by Mr. *Jean Baptiste Eric Dorion*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same, by providing that the Societies or Corporations of the same nature as those described in the said Bill, existing heretofore, or now existing at the passing of this Bill, be subject to the provisions of the said Bill as far as the same relates to the right of acquiring immoveable property in time to come" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Christie, Church, Conger, Cook, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Fellowes, Foley, Freeman, Hartman, Holton, Huot, Jackson, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Murney, Papin, Patrick, Rankin, Rolph, Scatcherd, James Smith, Southwick, Wilson, and Wright.

— (37.)

(617)

NAYS.

Messieurs Alleyn, Bourassa, Bureau, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Drummond, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Guévremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Attorney General Macdonald, McCann, Marchildon, Masson, Meagher, Mongenais, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (53.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BUREAU had an amendment to move. He thought it probable that secret societies pretending to be benevolent societies might be incorporated under this act, and in order to prevent such a contingency he would move that the house do not concur in the report, but that the Bill be recommitted for the purpose of providing that²²³ all such societies and associations, the members of which would be by their rules or by any disposition whatsoever bound to keep secret their acts or proceedings or part of them, or called upon to take an oath, or to take some engagement which would be under oath, or any other engagement not required nor authorised by law, shall not be able to incorporate themselves by virtue of the present law.²²⁴

MR. AT. GEN. CARTIER. — The proceedings of such societies are entirely illegal, and they cannot be incorporated under this act.²²⁵

MR. BROWN thought that the amendment exposed one of the weak points of the Bill, and doubted whether Mr. Drummond would be able to meet it. According to the Bill, the registrar of a county is obliged to grant an act of incorporation to any five persons who appear before him, and he is not at liberty to discriminate.²²⁶ It is true that these associations may turn out afterwards to be what are characterised by this amendment, but how can their incorporation be prevented — or how could they be found out.²²⁷

MR. DRUMMOND. — When this point was raised a few nights ago by the hon. member for Napierville, the Attorney General East pronounced a very decided opinion upon it. He contended that secret societies could not be organized under this act. I rather think myself that secret societies could be organized under this bill, provided they set forth that they had some benevolent object in view. I think therefore it would be better to adopt such an amendment as this now presented which would prevent these associations being organized. I am against all such societies. I think that what is good and equitable and just ought always to be brought to light. In the same way I should wish to see all the proceedings of the country carried out in an open and generous way. I assure you I would be sorry to see secret societies incorporated under this act. But I do not say that secret societies could not be organized under this act.²²⁸ Secret societies are dangerous to the interests of the public, and as they might be incorporated under the Bill as it stands,²²⁹ there could be no harm whatever in adopting such an amendment as this of the hon. member for Napierville. As regards the dangerous tendency of this law as alluded to by the hon. member for Lambton, I do not pretend to say what the law of Upper Canada may be, but in Lower Canada such an association [sic] would be broken up immediately²³⁰, [for] an act introduced by him [Mr. Drummond]

at an early period of his legislative career, renders it compulsory, on any two judges before whom a complaint is laid that a society organized for benevolent purposes abuses its charter, to break it up at once.²³¹ I do not know that recourse could be had on such cases to the Court of Chancery, because it is rather a slow mode of procedure. (Hear, hear.) For that reason I would suggest that a law similar to that of Lower Canada should be enacted for Upper Canada. But it is impossible that this law can be violated except by persons professing to have a benevolent object in view — while they may have secret oaths by which they are bound together.²³²

MR. AT. GEN. CARTIER. — Since I have ventured an opinion to this House, in opposition to that of the hon. member for Shefford, I will again state, that no secret association could be organized for secret purposes under this Act. True it is, that a benevolent association may organize itself for charitable purposes, but if under colour of such an organization, they were to carry on any secret purposes, they would violate their charter, and would expose themselves to have their incorporations set aside. But it was an anomaly to say that a secret society can organize itself for secret purposes under this law.²³³

MR. MACKENZIE was entirely opposed to the organization of any secret society whatever. He would wish that some of the members were as anxious to guard against usury in trade as against such societies. It was well however to have their laws plain, and now was the time to decide what the law meant. He was in favor of this amendment, because it decided that point.²³⁴ [He] was glad to see a motion made which would shut ... [the secret societies] out from any benefit to be derived under this act. Alluding to the votes given on the other amendments,²³⁵ [he said] he was opposed to all those death bed bequests whatever, and had purposely refrained from saying a word upon this bill, in case he might rouse the opposition of those who were willing to carry out the bill. But he was sorry to see such votes given as had been given here this night. They could not have been given in Scotland or England. They could not even have got a House of Irishmen with all their priests at their backs, to give such votes as had been given here. He was sorry to see any member from the County of York, that County which he himself at one time represented, give such a vote as had been given by the hon. member for South York this evening.²³⁶ [He] hoped that the house would soon be rid of members who thus set the feelings of Upper Canada at defiance²³⁷, who because their friends are in power, and for the support of their party, give votes which are a disgrace to the 19th century. This is not a question of party at all. It is a question of state policy, and he regretted that they had not taken in all those corporations already in existence, as well as those that are to be created. At all events, if there is to be a change, it would be a great relief to be freed from those influences which are brought upon them every year by the promoters of those religious and charitable associations.²³⁸

MR. GAMBLE — (Somewhat warmly) — said that no member of this House felt more strongly in regard to this question of religious incorporations than he did, and no member was more disposed to support his principles by his vote than he was.²³⁹

MR. MACKENZIE. — No doubt of it.²⁴⁰

MR. GAMBLE. — He was quite sure, that he stood quite as well with his constituents as the honorable member (Mr. Mackenzie) did with his. The country understood his (Mr. Gamble's) feelings in regard to these associations.²⁴¹ But though he desired to hold those corporations within proper bounds, he was not disposed to trample on all acquired rights, to suit the peculiar views of some persons. He could not consent to gratify those peculiar views, to interfere with those acquired rights by this general bill. There is a proper time and place for all things, but the consideration of this bill does not afford either, for abrogating those rights.²⁴² He desired that those associations which had acquired rights under the Legislature should continue to enjoy these rights until a general act should be made to change them. He did not think that regulations of this kind should be introduced to affect these corporations already

existing. He was quite satisfied that all these amendments that were here moved were bunkum motions to prejudice the members of this house who feel determined [sic] to do right.²⁴³ Under those circumstances, he did not fear the attack made on him by the hon. member for Haldimand, whose seat is not perhaps so secure that he can afford to threaten others.²⁴⁴

MR. COM. CR. LANDS CAUCHON did not know what practical result would be gained by this motion, although it were passed. He repudiated the idea that the societies organized under this bill were to be of a religious character. They would be of a variety of kinds, and therefore the amendment would be perfectly useless.²⁴⁵

MR. A. DORION said the amendment would be a safeguard to the law, and would prevent its being violated.²⁴⁶

MR. DRUMMOND ... [made] some remarks²⁴⁷.

MR. PATRICK said he was at a loss to know what was precisely meant by the amendment. If it referred to parties who took oaths, not taken in courts of law or before magistrates,²⁴⁸ then a great many might be included. The Odd Fellows took oaths, and yet they were not dangerous characters. The Free Masons took oaths, and they were not a very dangerous set of people. The Orangemen took oaths, and they were not very much alarmed at those parties. He was told that the Bishops and the Archbishops of the Roman Catholic Church took oaths — (no, no²⁴⁹, [and] hear, hear) — and so did archdeacons, deacons and priests. If all those parties were to be prevented from organizing under this law, they might as well drop the Bill at once.²⁵⁰

MR. FREEMAN believed the bill was entirely unrestricted. It stated that “no corporation shall hold property under this act unless for the purposes for which it was organized.” This was simply conferring unlimited powers on all corporations which chose to take advantage of the act.²⁵¹

MR. TURCOTTE in reply to the hon. member for Grenville, said it was not true that the Bishops took oaths. He wished that to be understood, because all these²⁵² statements are sent abroad throughout Upper Canada, and we are looked upon as wild people altogether. But they are not correct.²⁵³

MR. BROWN said there could be no doubt of the correctness of the statement of his hon. friend from Grenville, that the Roman Catholic bishops did take oaths.²⁵⁴

MR. TURCOTTE. — They do not.²⁵⁵

MR. BROWN said that, if the hon. gentleman would go to the Library, he would find many books containing proofs of the statement. It had often been made in the course of discussions in this country, and had never to his knowledge been denied before.²⁵⁶

MR. TURCOTTE. — What oath, Mr. Brown? The oath of obedience to the Pope?²⁵⁷

[MR. BROWN:] There was not a bishop of the Church of Rome who was not compelled to take an oath of obedience to the Pope.²⁵⁸

MR. SICOTTE the SPEAKER said the hon. member for Lambton must be going beyond the bill when referring to the bishop's oath.²⁵⁹

MR. BROWN thought the point raised was quite pertinent to the debate. If bishops and priests were to be incorporated under this Act, as they had constantly been hitherto — parties who swore fealty

to a foreign potentate — it would be most unjust to restrict Protestant societies²⁶⁰, [which] are to be prevented from organizing under this act in consequence of taking an oath²⁶¹. (Hear, hear.) A notice had been standing on the orders, for a long time, of a Bill by the learned member for Toronto (Mr. Cameron), to Incorporate the Loyal Orange Association, and it had been delayed with the understanding that it would come under the provisions of the general Act. And would the house consent, by this motion, to exclude the Odd Fellows, to exclude the Sons of Temperance, and to exclude all other societies that had secret pass-words? He could not see on what principle they could do this, after they had granted incorporations to the Jesuits for colleges, &c. The Parliament had already passed Acts of Incorporation for some of these societies, as the Freemasons. Should they now, by this motion, exclude the whole of them? But the moving of this amendment just showed that it was necessary to have some general restriction on the incorporation of these societies — that there should be some depositary of power to prevent improper societies from being incorporated. The New York Bill was much more definite than this.²⁶² There were three different bills to cover the ground included in this bill, and they are all precise and definite. But here the matter is left quite loose.²⁶³ It was true, as the hon. member for Shefford had said, that by process of law, they might be compelled to adhere to the objects the[y] declared in obtaining their incorporations; but, practically, that would have very little effect; few individuals would be disposed to take up a Chancery process against such societies.²⁶⁴

MR. AT. GEN. J.A. MACDONALD hoped the amendment would not carry. The bill would be cordially assented to in Upper Canada, but if this amendment were to pass and if it was understood to strike at any party in Upper Canada, it will not meet with public favor. The Odd Fellows Association had some secrets among themselves. The Free Masons had some mysteries known only to the initiated; at the same time they were most useful and benevolent associations. If these were attempted to be put down it would have a very injurious effect.²⁶⁵ If parties wished to associate together to make provision for their widows and orphans and decayed members, they should not be prevented, because they might have sundry harmless mysteries and secrets among themselves, for the purpose of keeping up an *esprit de corps*.²⁶⁶

CAPT. RHODES stated that he was opposed to all secret societies. They were contrary to the genius of the country²⁶⁷. Those Secret Societies should not be encouraged, especially in country places, for the sake of the peace of the community. If they made Orange Societies and Ribbon Societies lawful associations, it would increase very much their power and influence, which he would regret.²⁶⁸

MR. GAMBLE. — Is not the Orange Association a lawful society? The hon. member seems to place it on the same footing as the Ribbon Society.²⁶⁹

CAPT. RHODES. — I have always understood that the Orange Society is unlawful in Canada, not being incorporated by law.²⁷⁰

MR. POWELL. — The hon. member for Megantic has an unhappy habit of always assailing some body of people, whenever he rises in this house. He tells us he does not belong to this, that, and the other Society. I do not know whether he belongs to the Know-Nothing Society.²⁷¹

CAPT. RHODES. — No, Sir, I do not.²⁷²

MR. POWELL. — I fancy he would make a very good member. If he applied to me for a certificate of qualification, I should unhesitatingly sign it. (Laughter.)²⁷³ I am not a Know Nothing, but I am a member of the Orange Society, and I say there are no obligations taken by Orangemen which every subject of Her Majesty might not take without fear.²⁷⁴ I don't know whether the amendment before the Chair is aimed at Orangemen or not, but I would warn hon. gentlemen from Lower Canada, who have had their Acts of Incorporation granted to them without much opposition hitherto, not to pursue a course that would make the Protestants and Orangemen of Upper Canada assume an attitude of hostility towards

them. Any man who reads the page[s] of history will find that Orangemen have always been found on the side of law and order.²⁷⁵

MR. RANKIN thought it was much to be deplored that such societies as the Orange Society should exist. Such societies must be considered as evils, and there was no necessity for them. (Hear, hear.)²⁷⁶

MR. MACKENZIE. — Hear, hear; that's true.²⁷⁷

MR. RANKIN. — These societies were established in older countries at a dark period of their history: perhaps there was a necessity for them at that time. But it is an evil to bring into this new and growing country Institutions contrary to the genius of the country. It would be generally admitted that all those who desire to see harmony prevail should do all they can to bring about such a state of feeling as will do away with such societies.²⁷⁸

MR. LABERGE then proposed the following Amendment: — That all after the word "amended" be struck out, and the following words substituted, — "And that the Bill be recommitted, so as to prevent the societies known under the name of 'Secret Societies,' from being incorporated by virtue of this Bill."²⁷⁹

MR. FELLOWES looked upon the amendments proposed as being dictated by an erroneous feeling of a religious character. (Hear, hear.) He did not hold that the Bill affected the societies sought to be affected thereby. But he did not see why they should be denied those privileges given to religious incorporations. He spoke in support of the Orange Institutions, and would not vote upon the amendments for the reasons he first stated.²⁸⁰

CAPT. RHODES did not oppose the Orange societies because of their Protestantism, but he was against it on account of its being a secret one. The hon. member for Carleton had given him more information upon the subject than he had ever before received. (Question, question.)²⁸¹

[Mr. Laberge's] amendment was put and lost²⁸².

(617)

Mr. *Bureau* moved in amendment to the Question, seconded by Mr. *Thibaudeau*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same, by declaring that no Secret Society or Association, the Members whereof are, under its rules or by virtue of any provision or agreement to that effect, bound to keep secret their acts or proceedings, or any portion thereof, or admitted to take any illegal oath or obligation, or any oath or obligation not required nor authorized by law, shall become incorporated under this Act" inserted instead thereof;

Mr. *Laberge* moved in amendment to the said proposed Amendment, seconded by Mr. *Charles Daoust*, That all the words after "same" to the end thereof be left out, and the words "so as to prevent Societies, known under the name of Secret Societies, from taking advantage of the said Act" inserted instead thereof;

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Biggar*, *Bourassa*, *Bureau*, *Chapais*, *Cook*, *Charles Daoust*, *Darche*, *Desaulniers*, *Antoine A. Dorion*, *Dostaler*, *Drummond*, *Evanturel*, *Octave C. Fortier*, *Freeman*, *Holton*, *Huot*, *Jobin*, *Labelle*, *Laberge*, *Laporte*, *Roderick McDonald*, *Mackenzie*, *Marchildon*, *O'Farrell*, *Prévost*, *Rankin*, *Rhodes*, *Rolph*, *Southwick*, *Thibaudeau*, and *Valois*. — (31.)

(617-618)

NAYS.

Messieurs *Aikins*, *Alleyn*, *Bell*, *Bellingham*, *Brown*, *Attorney General Cartier*, *Cauchon*, *Cayley*, *Chabot*, *Chisholm*, *Christie*, *Church*, *Clarke*, *Conger*, *Crysler*, *Daly*, *Dionne*, *Jean B.E. Dorion*, *Fellowes*, *Ferres*, *Foley*, *Thomas Fortier*, *Fournier*, *Gamble*, *Guévremont*, *Hartman*, *Larwill*,

LeBoutillier, Lemieux, Attorney General Macdonald, Masson, Matheson, Mattice, Meagher, Munro, Murney, Papin, Patrick, Polette, Poulin, Pouliot, Powell, Robinson, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Turcotte, Wright, and Yeilding. — (53.)

(618)

So it passed in the Negative.

And the Question being put on the Amendment to the original Question; the House divided; and the names being called for, they were taken down, as in the last preceding division.

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. FELLOWES then moved in amendment that the Bill be recommitted with instructions to amend the same so a[s] to make it to apply to all Orangemen, Free Masons, Odd fellows, and Sons of Temperance.²⁸³

MR. AT. GEN. J.A. MACDONALD objected to this on the same ground as to the previous resolution, that it made the Act special when it was intended to be general.²⁸⁴

MR. HOLTON wished to know whether, as a matter of fact, these societies came under the operation of the Bill.²⁸⁵

MR. AT. GEN. J.A. MACDONALD. — When I get a good fee from the hon. gentleman I will tell him.²⁸⁶

MR. HOLTON thought the hon. gentleman got a very good fee from the country for his attendance here, and he thought the House was entitled to his opinion as to the nature and scope of that Act now before them.²⁸⁷ Mr. Holton went on to say that he was opposed to incorporating the Orange Association, as it was a political party club.²⁸⁸

MR. MURNEY wished to understand whethe[r] these parties would be coerced by the Act or not. The Attorney General West said distinctly that they would be. All these societies hold a large amount of real estate for their own uses, on which they have expended large sums of money, but to which they have no legal title.²⁸⁹ At this moment the Orange Society in Belleville held some hundred pounds worth of property, and their title was in him (Mr. Murney,) who held that property for a party not known in law. They were told that this general bill was to include all those bodies. The amendment would test whether this was to be a general incorporation Act or not.²⁹⁰

MR. DRUMMOND believed these bodies might be organized by taking proper precautions and stating their object. The Attorney General East, however,²⁹¹ is of opinion, that these societies cannot be organized under this Act. The Attorney General West is of a different opinion. I differ from the hon. gentleman in regard to his duplicity. When the hon. gentleman is called upon to interpret a law passed, he has a right to demand a good fee. But as the Leader of this House in the matters of Legislation, it is expected from these gentlemen who are the law officers of the Crown, that they should express an opinion as to what would be the legal interpretation of the laws they are passing. I do think it belongs especially to the law officers of the Crown to say what shall be the effect of the Acts they are carrying through this House. It happens in this particular case, unfortunately, that the officers differ in opinion. One of them says that under this bill, secret societies may be organized, while the other most distinctly says they cannot.²⁹²

MR. PATRICK. — One of them should resign. (Hear, hear.)²⁹³

[MR. DRUMMOND concluded by saying that] he did not think the Secret Societies ought to be incorporated.²⁹⁴

MR. MACKENZIE passed an eulogium upon this glorious country, where every one was at liberty to hold his own opinions. And where it was not even necessary that these hon. gentlemen who make the laws should agree as to the meaning and object of the laws they have enacted — glorious country!²⁹⁵

After some general remarks by several members, the motion was put and lost.²⁹⁶

(618)

Mr. *Fellowes* moved in amendment to the Question, seconded by Mr. *Murney*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same so as to apply it to all Orangemen, Masons, Odd Fellows, and Sons of Temperance" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bellingham, Brown, Chisholm, Christie, Church, Crysler, Daly, Fellowes, Foley, Hartman, Larwill, Angus Morrison, Munro, Murney, Patrick, Powell, Scatcherd, Shaw, Somerville, Supple, Wright, and Yeilding.* — (24.)

NAYS.

Messieurs *Alleyn, Biggar, Bourassa, Bureau, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Cook, Charles Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Drummond, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gamble, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, Lemieux, Macbeth, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Masson, Matheson, Meagher, Mongenais, O'Farrell, Papin, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Rolph, Solicitor General Ross, Solicitor General Smith, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, and Valois.* — (62.)²⁹⁷

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

MR. GAMBLE desired that the wording of the Bill, with regard to holding real estate, should be made more explicit.²⁹⁸

After some conversation, the terms of the Bill were altered so as to read — "authorized to hold real property *being* for use and occupation."²⁹⁹

The report of the Committee was then received³⁰⁰.

(618)

Mr. *Loranger* reported the Bill accordingly; and the amendments were read, and agreed to. *Ordered*, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

(619)

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —
Bill, intituled, "An Act to provide for the execution of the Office of Speaker of the Legislative Assembly in certain cases:"

Bill, intituled, "An Act to amend the Act for incorporating Library Associations and Mechanics' Institutes:"

Bill, intituled, "An Act to vest a certain allowance for Road in the Township of *South Dumfries*, in the County of *Brant*, in *Horace Capron* and *Myron Ames*:" And also,

The Legislative Council have passed a Bill, intituled, "An Act for enabling the Chartered Banks in this Province to enjoy a certain privilege therein mentioned," to which they desire the concurrence of this House.

And then he withdrew.

The Honorable Mr. Attorney General *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, — Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 14th April last, praying His Excellency to cause to be laid before the House, Returns from the University of *Toronto*, *Upper Canada College*, *Victoria*, *Regiopolis*, and *Queen's Colleges*, shewing their annual expenditure, their sources of income, the number of Professors, the course of study pursued, the number of Graduates matriculated, as well as other students, distinguishing the day students, their residences, religion, and age, as also their standing in such Colleges respectively.

For the said Return, see Appendix (No. II.)

Then, on motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,
The House adjourned.³⁰¹

Footnotes

1. *Globe*, 11 June 1856.
2. *Ibid.*
3. *Toronto Daily Leader*, 11 June 1856.
4. *Globe*, 11 June 1856.
5. *Toronto Daily Leader*, 11 June 1856. *Globe*, 11 June 1856, does not report a speech by Mr. J.A. Macdonald, but does report one for Mr. J.S. Macdonald that is not found in the *Toronto Daily Leader*. As it is difficult to ascertain whether both members spoke, or whether one or the other source attributed its speech to the wrong member, we are reporting both excerpts intact.
6. *Globe*, 11 June 1856. See note attached above.
7. *Toronto Daily Leader*, 11 June 1856.
8. *Globe*, 11 June 1856.
9. *Toronto Daily Leader*, 11 June 1856.
10. *Globe*, 11 June 1856.
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Toronto Daily Leader*, 11 June 1856.
15. *Globe*, 11 June 1856.
16. *Toronto Daily Leader*, 11 June 1856.
17. *Globe*, 11 June 1856.
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Toronto Daily Leader*, 11 June 1856, reports that "Mr. Chapais moved that the House do concur in the 18th report of the Standing Committee on standing orders", and the motion was apparently carried. The *Journals* do not report this information.
29. *Globe*, 11 June 1856.
30. *Ibid.*

31. According to *Toronto Daily Leader*, 11 June 1856, this motion was made by Mr. Bellingham.
32. *Globe*, 11 June 1856.
33. *Ibid.*
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Globe*, 11 June 1856. *Toronto Daily Leader*, 11 June 1856, briefly reports that Mr. Jackson "supported the motion", but does not specify which of the two motions it was.
48. *Globe*, 11 June 1856.
49. *Ibid.*
50. *Ibid.*
51. *Toronto Daily Leader*, 11 June 1856.
52. *Globe*, 11 June 1856.
53. *Ibid.*
54. *Toronto Daily Leader*, 11 June 1856.
55. *Ibid.*
56. *Ibid.*
57. In regard to this Bill, *Globe*, 11 June 1856, notes that "two clauses, which had been struck out in committee, were again inserted, on further explanations by Mr. Wilson."
58. *Toronto Daily Leader*, 11 June 1856.
59. *Ibid.*
60. *Globe*, 11 June 1856.
61. *Globe*, 11 June 1856, differs from the *Journals* and reports that the 25th clause was struck out.
62. *Globe*, 11 June 1856.
63. *Toronto Daily Leader*, 11 June 1856.
64. *Globe*, 11 June 1856.
65. *Toronto Daily Leader*, 11 June 1856.
66. *Ibid.*
67. *Globe*, 11 June 1856.
68. *Toronto Daily Leader*, 11 June 1856.
69. *Ibid.*
70. *Globe*, 11 June 1856.
71. *Toronto Daily Leader*, 11 June 1856.
72. *Globe*, 11 June 1856.
73. *Montreal Gazette*, 14 June 1856.
74. *Toronto Daily Leader*, 11 June 1856. The ellipsis represents illegible words.
75. *Toronto Daily Leader*, 11 June 1856.
76. *Globe*, 11 June 1856. *Toronto Daily Leader*, 11 June 1856, reports that Mr. Pouliot moved that the 5th clause be struck out, which appears to be the accurate information.
77. *Toronto Daily Leader*, 11 June 1856.
78. *Globe*, 11 June 1856.
79. *Toronto Daily Leader*, 11 June 1856.
80. *Globe*, 11 June 1856.
81. *Toronto Daily Leader*, 11 June 1856.
82. *Ibid.*
83. *Globe*, 11 June 1856.

84. *Globe*, 11 June 1856.
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Toronto Daily Leader*, 11 June 1856.
89. *Globe*, 11 June 1856.
90. *Toronto Daily Leader*, 11 June 1856.
91. *Globe*, 11 June 1856.
92. *Ibid.*
93. *Ibid.*
94. *Toronto Daily Leader*, 11 June 1856.
95. *Globe*, 11 June 1856.
96. *Toronto Daily Leader*, 11 June 1856.
97. *Ibid.*
98. *Globe*, 11 June 1856.
99. *Toronto Daily Leader*, 11 June 1856.
100. *Globe*, 11 June 1856.
101. *Toronto Daily Leader*, 11 June 1856.
102. *Globe*, 11 June 1856.
103. *Ibid.*
104. *Toronto Daily Leader*, 11 June 1856.
105. *Globe*, 11 June 1856.
106. *Toronto Daily Leader*, 11 June 1856.
107. *Ibid.*
108. *Ibid.*
109. *Ibid.*
110. *Globe*, 11 June 1856.
111. *Toronto Daily Leader*, 11 June 1856.
112. *Globe*, 11 June 1856.
113. *Toronto Daily Leader*, 11 June 1856.
114. *Ibid.*
115. *Globe*, 11 June 1856.
116. *Toronto Daily Leader*, 11 June 1856.
117. *Toronto Daily Leader*, 11 June 1856. *Globe*, 11 June 1856, reports that "Mr. Drummond explained the alterations he proposed somewhat inaudibly."
118. *Toronto Daily Leader*, 11 June 1856.
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Montreal Gazette*, 14 June 1856. *Toronto Daily Leader*, 11 June 1856, reports that this member "referred to several cases when persons had been prevailed upon at a time of weakness to give their property to such corporations".
124. *Toronto Daily Leader*, 11 June 1856.
125. *Globe*, 11 June 1856.
126. *Toronto Daily Leader*, 11 June 1856.
127. *Globe*, 11 June 1856.
128. *Toronto Daily Leader*, 11 June 1856.
129. *Globe*, 11 June 1856.
130. *Toronto Daily Leader*, 11 June 1856.
131. *Globe*, 11 June 1856.
132. *Toronto Daily Leader*, 11 June 1856.
133. *Globe*, 11 June 1856.
134. *Toronto Daily Leader*, 11 June 1856.
135. *Globe*, 11 June 1856.
136. *Toronto Daily Leader*, 11 June 1856.
137. *Globe*, 11 June 1856.

138. *Toronto Daily Leader*, 11 June 1856.
139. *Globe*, 11 June 1856.
140. *Ibid.*
141. *Ibid.*
142. *Toronto Daily Leader*, 11 June 1856.
143. *Globe*, 11 June 1856.
144. *Toronto Daily Leader*, 11 June 1856.
145. *Globe*, 11 June 1856.
146. *Toronto Daily Leader*, 11 June 1856.
147. *Ibid.*
148. *Globe*, 11 June 1856.
149. *Toronto Daily Leader*, 11 June 1856.
150. *Ibid.*
151. *Ibid.*
152. *Ibid.*
153. *Globe*, 11 June 1856.
154. *Toronto Daily Leader*, 11 June 1856.
155. *Ibid.*
156. *Ibid.*
157. *Globe*, 11 June 1856.
158. *Toronto Daily Leader*, 11 June 1856.
159. *Globe*, 11 June 1856.
160. *Ibid.*
161. *Toronto Daily Leader*, 11 June 1856.
162. *Ibid.*
163. *Globe*, 11 June 1856.
164. *Toronto Daily Leader*, 11 June 1856.
165. *Globe*, 11 June 1856.
166. *Toronto Daily Leader*, 11 June 1856.
167. *Ibid.*
168. *Ibid.*
169. *Globe*, 11 June 1856.
170. *Ibid.*
171. *Ibid.*
172. *Globe*, 11 June 1856, differs from the *Journals* and reports that 29 members voted Yea, leaving out Mr. Murney's name. Many telegraphic reports also note that the amendment was negatived on a division of 29 Yeas to 52 Nays.
173. *Globe*, 11 June 1856. According to the report in *Toronto Daily Leader*, 11 June 1856, the House took a recess some time between Mr. J.S. Macdonald's motion and this speech by Mr. Papin. It reports that Mr. Sicotte "took the chair at eight o'clock", and that Mr. Papin was the first member to speak after the recess.
174. *Montreal Gazette*, 16 June 1856.
175. *Globe*, 11 June 1856.
176. *Ibid.*
177. *Toronto Daily Leader*, 11 June 1856.
178. *Ibid.*
179. *Ibid.*
180. *Globe*, 11 June 1856.
181. *Toronto Daily Leader*, 11 June 1856.
182. *Globe*, 11 June 1856.
183. *Toronto Daily Leader*, 11 June 1856.
184. *Globe*, 11 June 1856.
185. *Toronto Daily Leader*, 11 June 1856.
186. *Globe*, 11 June 1856.
187. *Ibid.*
188. *Ibid.*
189. *Ibid.*
190. *Ibid.*

191. *Toronto Daily Leader*, 11 June 1856.
192. *Globe*, 11 June 1856.
193. *Toronto Daily Leader*, 11 June 1856.
194. *Ibid.*
195. *Globe*, 11 June 1856.
196. *Toronto Daily Leader*, 11 June 1856.
197. *Globe*, 11 June 1856.
198. *Toronto Daily Leader*, 11 June 1856.
199. *Globe*, 11 June 1856.
200. *Ibid.*
201. *Toronto Daily Leader*, 11 June 1856.
202. *Globe*, 11 June 1856.
203. *Ibid.*
204. *Toronto Daily Leader*, 11 June 1856.
205. *Globe*, 11 June 1856.
206. *Toronto Daily Leader*, 11 June 1856.
207. *Globe*, 11 June 1856.
208. *Ibid.*
209. *Toronto Daily Leader*, 11 June 1856.
210. *Globe*, 11 June 1856.
211. *Toronto Daily Leader*, 11 June 1856.
212. *Globe*, 11 June 1856.
213. *Toronto Daily Leader*, 11 June 1856.
214. *Ibid.*
215. *Globe*, 11 June 1856.
216. *Globe*, 11 June 1856. *Toronto Daily Leader*, 11 June 1856, also reports a statement for this member, but it appears to contain an error: "Mr. Felton would not vote against [sic] the amendment. He was quite satisfied that it was a very important amendment. But he thought it better to try and secure the bill as it now was, sooner than put it in danger by voting for the amendment." Mr. Felton did, in fact, vote against the amendment under discussion.
217. *Toronto Daily Leader*, 11 June 1856.
218. *Globe*, 11 June 1856.
219. *Ibid.*
220. *Ibid.*
221. *Ibid.*
222. *Ibid.*
223. *Ibid.*
224. *Toronto Daily Leader*, 12 June 1856.
225. *Globe*, 11 June 1856.
226. *Ibid.*
227. *Toronto Daily Leader*, 12 June 1856.
228. *Ibid.*
229. *Globe*, 11 June 1856.
230. *Toronto Daily Leader*, 12 June 1856.
231. *Globe*, 11 June 1856.
232. *Toronto Daily Leader*, 12 June 1856.
233. *Ibid.*
234. *Ibid.*
235. *Globe*, 11 June 1856.
236. *Toronto Daily Leader*, 12 June 1856.
237. *Globe*, 11 June 1856.
238. *Toronto Daily Leader*, 12 June 1856.
239. *Ibid.*
240. *Ibid.*
241. *Ibid.*
242. *Globe*, 11 June 1856.
243. *Toronto Daily Leader*, 12 June 1856.

244. *Globe*, 11 June 1856.
245. *Toronto Daily Leader*, 12 June 1856.
246. *Ibid.*
247. *Globe*, 11 June 1856.
248. *Ibid.*
249. *Toronto Daily Leader*, 12 June 1856.
250. *Globe*, 11 June 1856.
251. *Toronto Daily Leader*, 12 June 1856.
252. *Ibid.*
253. *Globe*, 11 June 1856.
254. *Ibid.*
255. *Ibid.*
256. *Ibid.*
257. *Toronto Daily Leader*, 12 June 1856.
258. *Globe*, 11 June 1856.
259. *Toronto Daily Leader*, 12 June 1856.
260. *Globe*, 11 June 1856.
261. *Toronto Daily Leader*, 12 June 1856.
262. *Globe*, 11 June 1856.
263. *Toronto Daily Leader*, 12 June 1856.
264. *Globe*, 11 June 1856.
265. *Toronto Daily Leader*, 12 June 1856.
266. *Globe*, 11 June 1856.
267. *Toronto Daily Leader*, 12 June 1856.
268. *Globe*, 11 June 1856.
269. *Ibid.*
270. *Ibid.*
271. *Ibid.*
272. *Toronto Daily Leader*, 12 June 1856.
273. *Globe*, 11 June 1856.
274. *Toronto Daily Leader*, 12 June 1856. *Globe*, 11 June 1856, reports that Mr. Powell "went on to say that he was proud to call himself a member of the Orange Society, and vindicated Orangemen from the insinuation that they swore any improper oaths, or took any secret obligations, which every good member of society might not take."
275. *Toronto Daily Leader*, 12 June 1856.
276. *Globe*, 11 June 1856.
277. *Toronto Daily Leader*, 12 June 1856.
278. *Ibid.*
279. *Globe*, 11 June 1856.
280. *Ibid.*
281. *Ibid.*
282. *Toronto Daily Leader*, 12 June 1856.
283. *Ibid.*
284. *Globe*, 11 June 1856.
285. *Globe*, 11 June 1856. *Toronto Daily Leader*, 12 June 1856, differs from this source, reporting that a question was asked by Mr. Hartman, "[who] wished to know if this was opposed to the object of the bill." However, after the answer given by Mr. J.A. Macdonald, it reports, as also does the *Globe*, that Mr. Holton made a reply.
286. *Toronto Daily Leader*, 12 June 1856.
287. *Ibid.*
288. *Globe*, 11 June 1856.
289. *Ibid.*
290. *Toronto Daily Leader*, 12 June 1856.
291. *Globe*, 11 June 1856.
292. *Toronto Daily Leader*, 12 June 1856.
293. *Ibid.*
294. *Globe*, 11 June 1856.

295. *Toronto Daily Leader*, 12 June 1856. *Globe*, 11 June 1856, reports that Mr. Mackenzie “ridiculed the differences of opinion existing among the members of the Government with regard to the Bill.”
296. *Toronto Daily Leader*, 12 June 1856.
297. *Globe*, 11 June 1856, differs from the *Journals* and reports that 61 members voted Nay, leaving out Mr. McCann’s name. Some telegraphic reports concur with this information.
298. *Globe*, 11 June 1856.
299. *Ibid.*
300. *Globe*, 11 June 1856. Commentaries on this debate regarding the incorporation of religious and charitable societies can be found in *Globe*, 11 June 1856, *Toronto Daily Leader*, 11 June 1856, *Mackenzie’s Weekly Message*, 13 June 1856, *Hamilton Spectator Semi-Weekly*, 14 June 1856, *La Minerve*, 17 June 1856, *Le Pays*, 17 and 21 June 1856, and *Western Planet*, 20 and 25 June 1856.
301. *Globe*, 11 June 1856, reports that the House adjourned at “half past twelve”.

WEDNESDAY, 11 JUNE 1856

(619)

MR. SPEAKER laid before the House, — General Statement of Baptisms, Marriages, and Burials, in the District of *Montreal*, for the year 1855; and Supplementary Statement for the years 1852 and 1854.

For the said General and Supplementary Statements, see Appendix (No. 19.)

The following Petition was brought up, and laid on the table: —

By Mr. *Chisholm*, — The Petition of *William Fitch* and others, of the Counties of *Welland*, *Lincoln*, and *Haldimand*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *C. Cimon* and others, of the Parish of *St. Etienne dite* [sic] *la Malbaie*; praying for the repeal of the *Lower Canada* Municipal and Road Acts.

Of the Municipality of the Township of *Bentinck*; praying for certain amendments to the Assessment Law of *Upper Canada*.

Of the Municipality of the Parish of *Ste. Marie de la Beauce*; praying that the Village of *Ste. Marie* may be made the chief place of the Judiciary District of the County of *Beauce*.

MR. AT. GEN. J.A. MACDONALD stated that his attention had been drawn to the fact that Mr. Gould, after he had been returned as a member to this House, had entered into a contract to carry the mail in his part of the country. He would move that the matter be referred to a select committee to enquire into and report thereon without delay.¹

MR. J.S. MACDONALD enquired if it was true that Mr. Gould had made proposals to be relieved of his contract, and if such a proposal had been acceded to?²

MR. AT. GEN. J.A. MACDONALD replied that the hon. gentleman had applied by letter to the Postmaster General on the subject, and he had also spoken to him on the subject. But he would take no farther action in the matter until the committee had reported.³

The motion was then agreed to.⁴

(619-620)

Resolved, That the attention of this House having been called to the fact, that *Joseph Gould*, Esquire, Member for the North Riding of *Ontario*, after his return as such Member, entered into a Contract with the Post Master General of *Canada*, for the performance of certain services connected with the Post Office Department, a Select Committee, composed of the Honorable Mr. Attorney General *Macdonald*, the Honorable Sir *Allan N. MacNab*, the Honorable Mr. Attorney General *Cartier*, Mr. *Antoine Aimé Dorion*, and the Honorable *John Sandfield Macdonald*, be appointed to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. AT. GEN. J.A. MACDONALD made some observations as to the absence of Mr. Cayley, who, he stated, was to have taken up the Grand Trunk Railroad matter.⁵

[MR. INSP. GEN. CAYLEY] came in a few minutes after, and stated his willingness to take up the matter at once.⁶ [He] moved the house into Committee of the Whole on the following resolutions:

RESOLVED —

1. That, for the purpose of enabling the Grand Trunk Railway Company of Canada to complete their undertaking, it is expedient to authorize the Governor in Council to carry into effect an arrangement provisionally entered into between the Government of Canada and the said Company, based upon the following terms, viz: —

That the Railway Company shall be allowed to issue preferential bonds to the extent of two millions sterling; the holders of such bonds to have priority of claim therefor, over the present first lien of the Province.

That such issue shall not take place until the railway from St. Thomas, Lower Canada, to Stratford, Upper Canada, shall have been finished and in operation.

That the proceeds of the said bonds shall be paid over to the Provincial Agents in London, and released on the certificates of the Receiver General upon proof of progress of the work.

That the said proceeds shall be appropriated to the aid or construction of the following works and in the proportion hereinafter mentioned.

The Railways from St. Mary's to London and Sarnia.....	£450,000
The Railway from St. Thomas, L.C., to Riviere-du-Loup.....	525,000
Victoria Bridge	800,000
Three Rivers [sic] and Arthabaska	125,000
To enable the Grand Trunk to assist subsidiary lines, such as the Port Hope, Cobourg and Prescott.....	100,000
	£2,000,000

That the St. Mary's and London branch and subsidiary lines shall be

completed by the	1st Sept. 1857.
Stratford and Sarnia	1st Sept. 1858.
Arthabaska and Three Rivers	1st Sept. 1859.
The Victoria Bridge	1st Jan. 1860.

St. Thomas and Riviere-du-Loup line as follows:

From St. Thomas to Riviere Ouelle.....	1st Jan. 1859.
From Riviere Ouelle to Riviere-du-Loup	1st Jan. 1860.

That in order to restore to the Trois Pistoles Road, the guarantee diverted from it by the Act of 1854 and expended on the Toronto and Stratford section, there shall be reserved from the proceeds of the Preferential Bonds as they are paid over to the Provincial Agents such a portion for the section of the Road from St. Thomas to Riviere-du-Loup, as shall ensure its progress equally with the other works above mentioned.

That the interest accruing on the Provincial bonds during the period of five years, being the time necessary for the completion of the works and for the development of the through traffic, shall be advanced by the Province, and such advances as they are made shall be repaid to the Province in share capital of the Company.

That the lien of the Province, subject to the preceding condition, shall rank, as to dividend or interest, with that of the Company's bond-holders.⁷

[Mr. Cayley said] he would not now go into the affairs of the Company, as they had been already laid before the House and discussed on three occasions, in the years 1854, 1855 and 1856.⁸ The Grand Trunk Railway, opening Canada through its entire length, from Sarnia in the West to St. Thomas in the East, and forming a most important channel of communication for the development of the trade, and traffic, and resources of the country, must be looked upon as second to no enterprize which Canada could encourage⁹, and far superior in its conception to any line that ever could be planned, for the interests of

the Province.¹⁰ He was anxious, therefore, to bring forward these resolutions, not with the view of meeting this interest or that interest, as had been said, or of putting down this opposition or that opposition, but in the interests of Canada as a whole. It was well known that the Grand Trunk Company had over and over again declared their inability to go on with the line, without some aid.¹¹ He had heard a great many questions asked respecting the veracity of the Company in their statements, but he would assure the House that whatever position the country was in to offer aid to the line, the company was not, at present at all events, in a position to do so.¹² The resolutions he held in his hand fell short of the aid which the Company had asked by a very great difference, but whatever might be the desire of the Government and of the house to offer aid, he felt that the country was not in a position to offer the entire aid sought for by the Company — viz., the assumption on its own responsibility of all the engagements of the Company, the payment of certain amounts of interest or dividend on the share capital, and the assumption of all other liabilities now in existence. These consisted of Provincial bonds to the amount of £3,111,000, Company's bonds, £2,145,000, and share capital to the extent of about £4,000,000 more, besides the new aid contemplated of about £2,000,000, so that the total amount expected to be guaranteed by the Province would be about ten millions of money. Now, whatever might be the prospective advantages looked for from the construction of the Grand Trunk, it was clear that for a young country like Canada, with a revenue varying from £800,000 to £1,200,000 in prosperous years, to undertake from this period the payment of interest on ten millions of money, amounting to £600,000 per annum, or one half of the whole revenue of the country in the most prosperous years, would be an undertaking little short of the most extravagant rashness that any legislature could be guilty of¹³ — [although] to undertake to pay the interest of that grant would show to the world that the country had confidence in the line; this was a most important point to be gained.¹⁴ He looked forward with the greatest confidence to the line being ultimately valuable and productive, but he felt that the aid to be offered to the Company must be limited by what the financial resources of the Province would enable them to do in justice to the public service of the country and in justice to their other creditors¹⁵; as Canada must be charged with an additional weight in proportion as the line was finished.¹⁶ If they undertook to grant all the aid sought, they would be charging Canada with a very large additional burden, and hon. gentlemen knew the difficulties which would stand in the way of this, by having seen the manner in which the proposition to increase the customs duties 20 per cent. was met the other day. The Province, however, had already assumed the responsibility for a certain amount of bonds, which had passed out of their hands, and were held now they did not know by whom. They had passed from hand to hand as securities of the Province, for which they were liable, whatever might be the fate of the Grand Trunk. For these engagements the country had made provision, and he had no doubt the resources of the country were ample enough for meeting them in all time to come. The aid now proposed to be given was little more, if strictly examined, than the permission to raise money on the security of the work itself. He proposed, in the first instance, to secure the repayment of that interest which, in the meantime, must be met on the bonds the Province had issued, by taking share capital from the company —¹⁷

Cheers ... [from the] Opposition¹⁸.

[MR. INSP. GEN. CAYLEY continued:] — each half-year or each year as they paid the interest, so that they would hold in hand an amount of share capital representing the amount of interest advanced on behalf of the company. If he understood the cheers on the other side of the house, hon. gentlemen opposite were disposed to regard the share capital as being a very imperfect representative of the money to be paid out by the Province. He was not prepared to debate that, and it was unnecessary that he should do so, because they were bound to pay the interest by their own voluntary engagement, and the question was, were they not taking the best security the company could offer for the repayment of that interest to the Province? The question was not, whether it was an entire security, but whether they were not taking the best security the company could give. It would depend on the profitable character of the road whether

it was worth anything or not, but when they took the share capital, they would at the same time secure a representative of the money advanced, and give confidence to capitalists at home, by showing that the Province looked upon the stock as a valuable security.¹⁹

Ironical cheers from Opposition.²⁰

[MR. INSP. GEN. CAYLEY continued:] And he believed that that expression of confidence would give it a value in the market, and enable the Province, if it saw fit, to dispose of that stock, and realize if not the whole amount at par, yet a very considerable amount upon it. If they wished to sell it, it would probably represent 70 or 80 or 90 per cent. upon the amount advanced. At the time when the proposition was first entertained in England that Canada should aid the Grand Trunk Company to the full extent of its need, the stock rose from the nominal value of £7 or £7 10s. to £15 on £22 10s. paid up, so that the value of the stock in expectation of aid from the country, became 60 or 70 per cent. Assuming its value then at 70 per cent., the total loss would be £300,000, if the Province took a million of share capital in exchange for advances of interest.²¹ If then by this course they restored confidence in the stock to the shareholders and the English share market, they at the same time lessened the risk to themselves, by giving aid in that shape.²² The House should therefore come forward at once.²³ The next point was the position in which they proposed to place their guarantee. It was proposed to authorize the Grand Trunk Railway to place a first charge of two millions of money on the road, on the condition that those two millions should be laid out on certain sections of the road, and to that extent the charge or claim of the Province was postponed. The object of this arrangement was, that while they declined increasing the engagements of the Province, they would not stand in the way of the company's raising funds for those sections of the road which would make it a paying concern. But in enabling the company to raise these two millions, by making them a first charge, it was necessary to consider the position of the company's bondholders. In addition to the £3,111,000 of bonds which the company had received from the Province of Canada, they had borrowed in England £2,145,000, on what they called the company's bonds, which formed a second charge. If then the Province were to maintain its position still in advance of the company's bondholders, it might appear that those bondholders were placed at a great disadvantage. With the view therefore of preventing any difficulty of that nature from becoming perhaps an insuperable obstacle to raising money on the Grand Trunk property, it was proposed after the company had raised the two millions, and completed the line from Stratford to St. Thomas, and made provision for the payment of interest on the Provincial guarantee for five years, that after that period the Province should stand on an equal footing with the company's bondholders, sharing with them in such dividends as the road would furnish when in full working order. It was clear that if, at the end of five years, when the road was finished and in full working order, it was unable to pay the interest on its engagements, then the Provincial security would be of little value, unless they need it to foreclose the mortgage and cut out other parties, who had advanced their money towards the construction of this great enterprise. He should be extremely loath to see the Province of Canada on any future day placed in this position.²⁴

MR. BROWN. — Hear, hear.²⁵

MR. INSP. GEN. CAYLEY. — The member for Lambton may express his dissent.²⁶

MR. BROWN. — I did not express my dissent. What I meant was that this was exactly the point which I told the house two years ago we were coming to. When we first went into the scheme, I said that a future Finance Minister would be using the argument which the Inspector General is now doing.²⁷

MR. INSP. GEN. CAYLEY said he was going on to remark that he should be sorry that Canada should look forward at any period to foreclosing a mortgage like this, for the purpose of cutting out other parties who had advanced the capital from which Canada was to derive a permanent benefit. The

Province had laid out five millions of money on other public works in Canada, on the Welland Canal, the St. Lawrence Canals, &c., and he would ask whether all those canals were not constructed with the public money with the full knowledge that they would not repay six per cent. of interest, but that they would repay the money tenfold by²⁸ open[ing] up vast tracts of land and prove a great blessing to the Province by extending the means of communication,²⁹ so as to enable us to carry our products to the seaboard, and to import direct from foreign countries.³⁰ And what was the consequence? Why the volume of the country would gain four times as much as it possessed before these means of communication were available, notwithstanding that the canal did not pay six per cent. on the money expended.³¹ He viewed the Grand Trunk Railway of Canada as standing in precisely the same important and valuable position in regard to our communications³². It was not so much matter whether the line paid six per cent. or seven per cent., it was at the good that it was calculated to do the country that they should look. Such a line was superior to all canals — because lines of railway could be opened up in places where it would be impracticable to build canals.³³ If, within the last few weeks, even when we felt severely the pressure of pecuniary demands, by men of high commercial reputation it had been urged that we should go on further with the canal system, the same arguments as were then used were applicable with double force to this Grand Trunk Railway scheme, and they should not shut their eyes to the fact that the Grand Trunk was one of the chief sources of strength on which Canada was to rely on the material side of her future³⁴, [for] this line was to be one of the chief resources from whence Canada would be enabled to carry on her communications with all parts of the Province from east to west.³⁵ It was a matter of less moment whether Canada got her last pound of flesh, her cent. per cent. of interest in the shape of money, if only she got a railway of this importance completed, and the necessary ramifications made back into the interior, so as to enlarge our trade, and enable us to carry our staple products to market.³⁶ If he had time he would compare the cost of carrying merchandize over the railroad line and by the canal route, and show where the advantage lay. He could also show the deplorable state of the country where proper roads did not exist. The hon. gentleman here gave an account of what happened in his own country [sic] under his own knowledge in want of roads — and stated that if a man wanted to bring his produce to the market he should carry it on his back as the roads, or what was intended for such, were in such a state that no vehicle or horse could travel over it [sic]. Compare all this with the rate of travelling and cost of freight now, and it will be plainly seen that the opening up of communication was a great blessing to the country. It was therefore a matter of secondary importance, whether the country got the full rate of interest from the line or not.³⁷ He had observed as every one must have done who had heard that subject discussed within the last four or five weeks, the strange arguments in opposition to the construction of the line through that part of the country which we were told would be wholly unprofitable, that is to say, the line of road east of Quebec. But he must call the attention of the house to the fact, that the present Government did not hold itself responsible for the selection of the line either on the north or on the south side of the St. Lawrence³⁸. This was determined five years ago.³⁹ [But] the present Government did hold itself responsible that all engagements entered into in good faith, should be executed in good faith; and he would beg to say that he held a note in his hand written by the President and Manager of the Grand Trunk Company, to the representatives in Parliament of that section of the country through which that line east of Quebec is to run, and which the Government was charged with having proposed for the purpose of purchasing support. When in 1854, an application was made to Parliament to advance the guarantee to lines of the Grand Trunk west of Toronto, an arrangement had to be made by the company, with the parties who had claims for the construction of a line east of Quebec to forego their claim on the guarantee for a while. It must be in the recollection of this house, that the Parliamentary guarantee of £3,000 per mile, was promised on the line of road from Quebec to Trois Pistoles, and secured by law. To obtain, then, the consent of those parties who had an interest in that part of the country, — to a division of this guarantee to a part of the road which had no claim to it — it became necessary that the Grand Trunk Company should renew their engagements with these gentlemen, and give assurances that while it postponed for a time the construction of the road from Quebec, eastward, it would not abandon

it altogether.⁴⁰ The hon. gentleman here read a letter from the hon. John Ross, as President of the Grand Trunk Company, to Mr. Cauchon and other members [sic] of the House. It was as follows: —

QUEBEC, Nov. 22, 1854.

DEAR SIR[S] — We beg on behalf of the Board of the Grand Trunk Railroad Company of Canada, to give you this pledge and undertaking, that the line from St. Thomas to L'Islet will be completed and opened for traffic on or before the 1st of January, 1857; and that the line from L'Islet to Riviere Ouelle will be completed and opened for traffic on or before the 1st January, 1859. You are aware that under the powers of our present bill, we can only get an extension of time for the construction of any portion of the railroad, by authority of the Governor in Council, and we hereby authorize you to lodge this letter with the Provincial Secretary, in order that it may be a bar to the Company obtaining any extension of time for the portion of the railroad above mentioned, beyond the time we have above indicated.

We are, Sirs, yours faithfully,

(Signed)

JOHN ROSS, President.

C.P. RONEY, Managing Director.

J.C. CHAPPAIS, Esq., M.P.P.

JOSEPH CAUCHON, Esq., M.P.P.⁴¹

Now here is a distinct pledge that the Company would not ask for an extension of time beyond 1st of Jan., 1857, to complete the line from St. Thomas to L'Islet, nor beyond 1st of Jan., 1859 to complete the road to Riviere Ouelle, and it was lodged in the hands of the Government as a bar to any future application for ... [aid] on the part of the Company. He would ask with what face could the Government now come down and ask for aid to the Company, unless it brought under consideration this pledge, given in the most solemn manner, to carry out the contract entered into to complete the road to Trois Pistoles?⁴²

MR. J.S. MACDONALD. — You concealed that from Parliament when you asked for the £900,000.⁴³

MR. INSP. GEN. CAYLEY replied that that letter was put in his hands no long time [ago], and certainly not so far back as 1854 or 1855. It brought under the notice of the Government in the most practical way the claim of that part of the Province for the completion of the engagements entered into by the Company, and it would have been a breach of good faith to ask Parliament for aid and an extension of time if, at the same time, the engagements of the company were not carried out in the clearest and most prompt manner. It was not necessary for him to point out what part of the road would be profitable or unprofitable. No part of it can be profitable till the road be completed, and the trade and resources of the country have had time to become developed.⁴⁴ But one thing was clear, and that was that the House was bound to redeem that portion of the Grand Trunk line⁴⁵. So much for that section of the line east of St. Thomas. With regard to the line in the west, from Stratford to Sarnia, he did not believe that it would be necessary for him to go so much into detail. There was no doubt that in opening the line to Sarnia, a communication was opened up which was likely to prove extremely profitable to the company, and in giving aid to the company to render the line a profitable one, a promise was given that the expenditure incurred by this country would be redeemed. There were five other lines of road mentioned in the resolutions, and he would state that the Government in putting down those lines, conveys nothing more than a permission to enable the Grand Trunk Company to take those lines if it can come to an arrangement with the parties in whose hands they now are. And he would mention that when in London last year, he had an opportunity of meeting several gentlemen who were favourable to a scheme for the connection of London with St. Mary's by railroad, and subsequently a deputation had come down to confer with the Grand Trunk Board here, and ascertain if the Grand Trunk Company would entertain a project for the construction of that line, and they held out their assurances of hearty cooperation, and the certainty that it would be a profitable undertaking.⁴⁶ The Government authorized the Grand Trunk to treat with the Great Western Company, and the owners of the other lines, in order that the Grand Trunk might

be aided thereby.⁵¹ And he conceived it to be the duty of the Government to authorize the company to raise money for the construction of any line which will have the effect of making the whole work profitable, for it is the interest of Canada to make the line a paying one. An objection had been raised by the Great Western Company to this connection between London and St. Mary's. And why? because that company feared that the effect of that connection would be to draw⁴⁸ the trade and traffic to the Grand Trunk line and take it away from the Great Western⁴⁹. But if the Grand Trunk was in a position to make that connection, and had a right to do so without a breach of faith, that was the very best argument that could be used to authorize the Grand Trunk to make it. But he did not wish to be misunderstood.⁵⁰ He did not pretend to say what were the arrangements of the Grand Trunk Company with the Great Western Company.⁵¹ He did not believe that the Grand Trunk Company was bound by any absolute engagement to build a road to Sarnia. An engagement to do so was projected in London, but it was broken off here⁵² [OR] there were some arrangements but they were broken off by the London Board, with the consent of the Board here⁵³; and no such engagement now exists. He did not propose that the company should have power to break any engagement which really exists or is supposed to exist nor to compel it to construct any of the five lines which he had last referred to. He proposed merely to grant them permission to raise money for the completion of their actual engagements, or for such other works as may be deemed profitable.⁵⁴ He stated further that in case of either party infringing on the rights of the other, Mr. Robert Stevenson, of the London Board, had been appointed as the person to whom all such disputes should be referred. No person therefore could come down to the House and ask the Government to interfere in the matter. It was, after all, a mere permission given to the company to act for their own benefit.⁵⁵ Now, with regard to the lines from Cobourg to Peterboro', from Port Hope to Lindsay, and from Prescott to Ottawa, Mr. Napier expressly desired to confer with the gentlemen representing the section of country traversed by those lines, and, at his [Mr. Cayley's] invitation, eighteen of those gentlemen, taken from both sides of the house, met Mr. Napier at his office, and they explained their views as to what steps should be taken to put the various lines in good working order in connection with the Grand Trunk. Mr. Napier said that the Company was now lifeless; that it expects aid from Canada to revive its energies and give it new life, and if [it] could be resuscitated it would willingly work in harmony with those lines⁵⁶. Mr. Napier [further] stated that the proposed arrangement would enable them to put the lines in perfect working order; he also expressed his conviction that the Grand Trunk, if sustained, would work well.⁵⁷ He asked for some statistics showing the number of miles in working order, the number of miles of country opened up by those roads, and the population, and he [Mr. Cayley] believed that those statistics had been furnished to Mr. Napier, but he had not seen them.⁵⁸ This was all that he (Mr. Cayley) knew of what passed at the meeting.⁵⁹ He was free to say that the Government had not met the wishes or expectations of any of the gentlemen connected with those lines, for they expected that if aid was given it would be in a different shape. But the Government considered that in justice to Canada, and in justice to the company, the Government would be doing enough to bring forward such a proposition as he now submitted to the house. The extent to which he felt himself warranted in going was solely to give a permissive power to the company to raise money for the purposes he had mentioned. He could not promise that the company should be compelled to form an amalgamation with those lines, though it looked on them with great favour as aids or tributaries. For instance, a very material portion of the traffic and the returns from the road between Montreal and Brockville arise from the tributary traffic on the Prescott and Ottawa road. With regard to the extension of the road to Arthabaska, the first intimation he had that a road in that neighbourhood would be desirable was from Mr. Ross, who informed him that such a line would be a very valuable aid, as it would take all the country north of the St. Lawrence, and probably yield a large return; that the neighbouring townships would contribute £75,000 towards its construction, and for that reason the vote of £125,000 was proposed. It was because he had every reason to believe, from the information that he had received, that that road would be a source of profit, that he had inserted it in this resolution; and he would say further, that he had not been urged to do so by a single member of the house.⁶⁰ The largest sum proposed to be given to any one work by these resolutions, is the sum of

£800,000 to aid in the construction of the Victoria Bridge. The cost has been estimated at £1,400,000 and £300,000 have been laid out already. The contractors have agreed to take the unissued B series of stock in part payment, and the rest of the cost will be defrayed by this £800,000.⁶¹ He referred to this point, because Mr. Napier doubts on the inefficiency of the appropriation for building the bridge. Some have questioned the propriety of building the bridge at all, or incurring any expense on account of it; but he thought that those doubts should have been expressed before any portion of the expense was incurred. For himself, he would say, that he was by no means disposed to undervalue the importance of that bridge to complete the line of communication between the sections on the northern side of the river and those on the southern side approaching the seaboard. At present the communication between Montreal and the southern side of the river is exposed to interruptions from loose ice and frost. At certain seasons of the year that communication is interrupted altogether, and he did not attempt to conceal from himself the great importance of having a certain instead of an uncertain and insecure means of communication established⁶², and he felt assured that the bridge, when completed, would, from the tolls that would be placed upon it, pay the interest on the money in full.⁶³ Some allusion had been made by the hon. member for Lambton to his having warned us of this result. He (Mr. Cayley) might remind that hon. member that he (Mr. Cayley) had stated, that had the demand been made in the first instance, for the Grand Trunk, as it was for the Great Western and the Northern Railway Companies, it would be to the interest of Canada to accede to the demand, and he said so yet. He said that if Canada could obtain the construction of this line at the cost of half its value, it would be a most profitable expenditure of money. He might also say that, looking back on the past, he had nothing to regret in that expression of opinion. He did not yet know why a difference, to the prejudice of the Grand Trunk, had been made between the aid given to it and to the Great Western and Northern Railway Companies. He thought a line that traversed the whole extent of Canada was the one best entitled to aid from the Province. Probably in the course of the debate enquiries would be made, and questions put, which might render it necessary for him to address the house again; and he would now move that the Speaker do leave the chair, and that the house resolve itself into committee to take into consideration certain resolutions to give aid to the Grand Trunk.⁶⁴

(620)

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That this House will immediately resolve itself into a Committee, to consider the expediency of extending further Aid to the Grand Trunk Railway Company of *Canada*, to enable them to complete their undertaking;

MR. J.S. MACDONALD. — From the time that this question was first brought before the house he felt that it was a matter of the greatest importance that any scheme propounded with regard to this undertaking, should be such a one as to confer a benefit, and not a loss, upon the country. He was never in favour of the scheme, and at the first opportunity offered him he protested against the advance made. The company were seeking step by step to inveigle this Province into liabilities of which they had not yet seen the end, and which generations yet unborn would have difficulty in extricating themselves from. The history of the scheme is one which will show that from the very first commencement there was a desire to make this Province enter into a speculation which had for its object the benefit not of the country but of those who propounded it.⁶⁵ [In] the year 1852, when the Hon. Mr. Hincks was sent to England to endeavor to negotiate a loan with the Imperial Government for the construction of the then contemplated road,⁶⁶ which was to unite the Atlantic Provinces with the extreme West, differences arose between him and Sir John Pakington, and he fell in with those eminent contractors who we were told were wealthy enough to build the road with their own money, but that to give confidence to the undertaking we should advance £3,000 per mile for a certain portion of the road. Several hon. members now in the house, among whom was Mr. Holton, the member for Montreal, took a prominent part in the calculations then propounded to the country, with a view of showing how erroneous were the results derived from them. The hon. member for Lambton also took a prominent part, and the present Attorney General West joined

Mr. Holton in protesting against parties from England being called in to carry on a work which there were men in this country ready to do. Who was louder in his denunciations than the hon. member for Brockville, until a certain day! He propounded his scheme all over the country, and it was fresh in the memory of many hon. members how on one fine morning he was made a Director, and there was an end of his opposition. And there were many others in the same position. He then went on to quote a speech delivered by Mr. Hincks on this question, when he said that he for one would not assume the responsibility of voting for any delay. When they had gone to the country at the previous election, the scheme propounded was that they should borrow money from England at $3\frac{1}{4}$ per cent., and to this the people assented.⁶⁷ It was never expected, he contended, that when Mr. Hincks went to England ... he was to quarrel with Sir John Pakington, and to turn round and make negotiations with these eminent contractors without first having received the sanction of Parliament so to do.⁶⁸ But in 1852, when Parliament met, were the people prepared for the scheme entered into with Messrs. Peto, Jackson & Co.? Mr. Hincks then urged the house to allow of no delay. He said that these contractors would not wait. Perhaps he was right — perhaps they had waited a considerable time. He, however, was of a different opinion. When they attempted to bring the Bill through two readings in one day, he (Mr. Macdonald), as Speaker, prevented that being done. He took the responsibility, when the whole of the Treasury benches, carried away by the glowing accounts of the Inspector General, urged that the Bill should be gone on with, of preventing it; and he had the satisfaction that, although there was a tremendous majority against him when he gave his opinion, there was no appeal made from it, and the present Attorney General West came to him and told him that he was right. On the 2d November, the Hon. Mr. Hincks, acting on the knowledge that he had of the state of public opinion when he left this country, thought that, if he could induce gentlemen from England to come here and build railroads with their own money, the arrangement would be regarded with the utmost satisfaction.⁶⁹ He contended that all these contractors wanted was liberty to build our road at their own expense, and the scheme was so very feasible that it was impossible almost for any one to object to it.⁷⁰ No one could deny the plausible nature of his arguments, and that, with this gigantic swindle spread before them in all its glowing colours, they were led on step by step as they had been. Then the Inspector General (Mr. Hincks), quoting the same speech, said the road was to be superior to all American roads, and equal to any English ones — and that, if the specifications were not carried out, and the road finished, the contractors would not obtain the guarantee. Well they did not finish the road, but they have nevertheless obtained the guarantee. Then, (quoting Mr. Hincks,) the amount of the guarantee would not affect the cost of the road; and it was possible the contractors might not require the guarantee, or not require the whole of it. These extracts show how the people of this country have been gulled. In this manner did the predecessor of the present Inspector General, with all the prestige of Government support, come down to this house, and led the people to believe that this was a road to be built, not by the people of this Province, but by the contractors themselves. The same weakness which prevailed then, prevails at this day, and will prevail; and we shall be attempted to be entrapped into a scheme, under the plea that our honour and our interest require that we should make sacrifices for our own good. He felt that he had not changed his opinions; and in 1854, he was the first to run in opposition to this scheme, when there was scarcely any one to follow him. He was aided by the member for Lambton; and every one would recollect the prophecies then made, and that they had all come to pass; and he was ready to stake his existence that the prophecies he would make to-day would also be brought about. The manner in which the scheme would be brought down might so blind those who saw there was something to be got in the general plunder, that they would yield to extraneous influences, which would be brought to bear in support of a scheme which, upon its own merits, would not live one hour. When the Grand Trunk scheme was first brought down, the whole extent of the liability proposed was £1,811,000. They proceeded very cautiously at first. They knew that the line from Montreal to Toronto promised a return, but they could not get the aid to complete that, without the assistance of members from the Eastern section; and how did they propose to inveigle those hon. members? Notwithstanding that the line to New Brunswick was at an end, they must allow a charter to be got up, by which any eighteen men who

would subscribe stock, and who could persuade the Government that there was a prospect of the road being made, and that there was a reasonable prospect of the road paying, could form a company, and obtain an issue of Government paper. What had experience proved with regard to the profit? Had not the very first attempts to test the truth of these declarations, denied the expressions of the Government. Has not the road to St. Thomas, or even to Richmond, proved a dead failure? The whole object of the system was to hoodwink the people of this Province, by enabling the Governor to issue his proclamation, agreeing to give £3,000 per mile for 145 miles below Quebec, without any extension beyond that; and the same people who made the bargain with Peto and Jackson, were the people to be satisfied that the road below Quebec would be profitable. Then they proposed to give one million of acres to any company that would make the road from Trois Pistoles to the Province line. It was also urged that perhaps Great Britain would make that road as a national line for the defence of the country. Was there anything now to warrant them in supposing that the line beyond St. Thomas will ever be of the least advantage to the Province? It never can pay, because it has no extension, and stops where there is no trade. No sooner was this road to Trois Pistoles put into operation, and become part of the Grand Trunk, than, during the very same session, they come down and ask for an amalgamation with every other road within 100 miles. There was then a contract for making a road between Toronto and Guelph; they buy that up. They then take the Richmond and Quebec, and then buy up the road between the St. Lawrence and the Atlantic. Then they desired to amalgamate the Grand Junction between Belleville and Peterboro'; and subsequently to that, they amalgamate the bridge. Was it on such a scheme as this that they were induced to give £3,000 per mile on a road from Toronto to Montreal? Was it ever contemplated that they were to enter into all the other schemes, without the consent of the people of this country. They went on, step by step, and the moment they [sic] had passed the acts to amalgamate all these roads, what did the Grand Trunk Company do but ask for £900,000 more. He would ask hon. members from Upper Canada, if, at the time when the elections were proceeding, one whisper of this proposal was heard? They kept it back because they dare not mention it. On the 16th of February, 1855, Messrs. Baring & Glynn addressed a letter to Mr. Cayley, claiming additional aid, on receiving which, they said they had "every confidence in the ability of the company and the contractors to complete their proposed works in an efficient manner, and within or before the period prescribed. The security of the Province seems to us placed beyond the risk of danger by the first claim on the receipts, and the first mortgage on the road." What had occurred since to change the views of those gentlemen? Was their high authority brought to bear on that occasion, with the view of entrapping the Province. These men of high standing, who had the keys of the Provincial chest in their hands, men whose permission was necessary to authorize any loss to be made by the Province — these men told the Province in 1855, that by giving another £900,000, they would preserve the first lien on the road, and have their security safe and their prospects bright. Was it not upon such representations as these that the Province was inveigled into giving that £900,000? They now found that they had been misled, and no doubt the proposition now made emanated from the same source. (Hear, hear.) These gentlemen were interested parties. But what assurance had they except the statement of the Inspector General, that those roads would not be gone on with? On the contrary, they have good reason to believe they would, and on this subject he would read an extract from the London *Times* newspaper, a journal which might be supposed to represent pretty fairly the opinions of the people of Great Britain. The hon. member then read the extract in question, which went to say, that if the Grand Trunk were not continued, without the further aid of the province, it would be alike discreditable to the railway enterprise of England and to the Canadian Government.⁷¹

SIR A. MACNAB. — That was written in Canada.⁷²

MR. J.S. MACDONALD. — Well, at all events the shareholders in this company had no right to call the people of Canada to give up their lien on the Grand Trunk line. They had not become shareholders at the suggestion nor on the assurance of the Canadian Government, but simply as a matter of speculation, and if they had miscalculated the result, they themselves should bear the consequences. He

(Mr. Macdonald) would like to know whether, if the enterprise had realized a profit, the company would have offered to divide the profit with the people of Canada. He was sure they would not, but now that it had turned out a loss instead of a profit, they came and asked the Province⁷³, [whose] liability was £3,111,000,⁷⁴ to forego their lien. He would like to know too, what would have been the consequence if a proposition similar to this had been made in reference to the Great Western [sic] road. Why, the Great Western at one time, had greater difficulties to contend with than the Grand Trunk had now, but if when those difficulties existed, the honourable gentleman had come down to the house and asked it to abandon the lien on the road, would his request have been acceded to? He (Mr. M.) was quite sure it would not. Why, the hon. gentleman would have been laughed out of the house. Yet, the Great Western had triumphed over all its difficulties, and the country now looked with pride on its completion, and with gratitude to those who had projected it.⁷⁵

An hon. Member. — Sir Allan MacNab.⁷⁶

MR. J.S. MACDONALD. — Yes; he was glad to number the gallant knight amongst the promoters of the Great Western, and he would now say in his place that he knew that at one time, the gallant knight was in danger of losing all he possessed by it.⁷⁷ He alluded to the Great Western, because it had struggled against every opposition, and yet no attempt had ever been made to ask the House to forego their lien.⁷⁸ But if they were now to forego their lien on the Grand Trunk, what was to prevent other companies coming forward to ask the same indulgence. Why might not the Northern Road demand that the Province should forego its lien upon it. It was a Canadian enterprise, and he did not see how, if the present demand was acceded to, they could refuse to put their own countrymen on the same footing with the English people. But to those here which were the work of native enterprise, the Inspector General held out the inducement that they might act as feeders to the Grand Trunk. He (Mr. Macdonald) hoped that those companies would throw back that inducement with the contempt it deserved, and it would be much better for them to depend on their own enterprises, than to desire that the demand of the Grand Trunk should be granted, in order that they might be its feeders. Or else, if this lien were given up, let them also demand that they should be dealt with on the same footing; and, if they did, he repeated he could not see how they could be refused. He again, however, begged to ask what assurance they had that the interest on those advances would not be paid, whilst they had very good reason to believe that they would. They were told first that they were not paid, and then that £224,000 of them had been paid.⁷⁹

MR. INSP. GEN. CAYLEY. — That was for January and July.⁸⁰

MR. J.S. MACDONALD. — Does it take that much to pay from January to July.⁸¹

MR. INSP. GEN. CAYLEY. — There were six months due on the 1st of January, and they were paid, — and there were six months due on the 1st of July, and they were paid.⁸²

MR. J.S. MACDONALD then proceeded to ask — Was it to be expected that nearly half a million of money was to be expended in building a road from St. Mary's to London and Sarnia? Why should it be expended? And where was the obligation to expend £525,000 in making a road from St. Thomas to River Du Loup? Where was the hon. member for Kamouraska with all his fine expectations? Ah! if he and his friends had proceeded in the way that he (Mr. Macdonald) had advised them, they would not now have found themselves in their present dilemma. But what had the Canadian Parliament done with this Grand Trunk Road? Tinkered it up every session.⁸³

SIR A. MACNAB. — And got by it what?⁸⁴

MR. J.S. MACDONALD. — Nothing but the road from St. Thomas to Stratford. (Hear, hear.) Messrs. Barings and Messrs. Glyns had said, at the outset, that the road could be built for £900,000,

and that Canada should have the first lien upon it; but he had not altered his former opinion when he asserted that this £900,000 would only be the first demand, and that the people here would be deceived if they thought that that was all they would be called upon for. Now he charged the Commissioner of Public Works with the most culpable negligence in not having caused that minute inspection to be made of the line, which the people were bound to expect from his department, so far as the road went from Montreal to Norfolk. As to the road as far as St. Mary's, he thought the Grand Trunk should take up the charter which had been passed by the house for the road from St. Mary's to London notwithstanding the protest which had been made by the Great Western Company. They had notwithstanding heard that the proprietors of the Great Western, when they heard that the road was to be extended from Stratford to Sarnia, and when they found that it would inevitably interfere with their road which was to be made to Sarnia, as well as that proposed to be made by the Grand Trunk, made an arrangement with the Grand Trunk not to run the road to London, which the Inspector General knew, but that hon. gentleman relied upon the bargain made between the Grand Trunk and the hon. member for Kamarouska [sic], but he did not at the same time, respect the bargain entered into between the two companies in England; because he had said, that since they had agreed to refer the matter to Mr. Stephenson who is in London, that therefore the London road should be made. Was there a word in the whole scheme that would show that a road from Trois Pistoles would pay?⁸⁵

MR. CASAULT replied in the affirmative.⁸⁶

MR. J.S. MACDONALD denied it. All the people there wanted was the expenditure of public money. It was evident that hon. gentlemen who were so anxious to have the road made from London to St. Mary's, had in view chiefly the securing the vote of western people. But why impose upon the Grand Trunk a road that will never pay. Why give them cause to come again to Parliament in a year from hence saying, "the permission you gave us to issue £2,000,000 of preferential bonds, was so mixed up with obligations to make roads which would not pay, that we now ask you to come forward and relieve us entirely." The stockholders in England who had been led to embark in this road ought to be taken care of, and their interests taken into consideration. — They felt that the people of Canada had the best of the bargain. It was unfair and immoral — a deception on the people of England, and unfair to the people of this country to bring forward such a scheme as this. The people and the Parliament of this country had a right to expect the answer of Mr. Napier to this proposition which was almost identical with that submitted by the Inspector General on the 6th May. It was reported that Mr. Napier took high grounds against that proposition and very justly; but he had since discovered that it was an advantage to the company after all, that there was nothing obligatory on the company to make the road to the end. He discovered that while it had the permission to issue bonds for £2,000,000, and that it might come down after the bridge was completed, and ask to be released from issuing the rest of the bonds, to be released by the Receiver General on the completion of the entire road. And what advantage was that to the Province? The Province had the first lien on the road, and if that proposition was accepted, it would be exactly on the same footing as the bond-holders, who had no hope of being able to get anything from their investment. Mr. Napier might well argue to the proposition of the Inspector General. It sacrificed the best interests of this Province. If Parliament was to be generous, let it be generous at home. Let it assist the private enterprises of those people in our own country, who had risked their all, and leave those speculators in England who had invested on the inducements held out to them by the Glyns and the Barings to push the work, and find the means of completing it. — He would warn the house against the danger of embarking in the wild proposition merely to please the agents of the London bondholders.⁸⁷ Before the House acceded to the request of the Company, they should first be furnished with proof of the inability of that Company to go on with the work.⁸⁸ The Government said they brought ... [the proposition] forward on their own responsibility; but where was the responsibility of the Government? The Government by whom this charter was introduced, said that they introduced it on their own responsibility. But

what has proved to be their responsibility? Some of them were now on the bench, one was the governor of Barbadoes. And what was to become of those gentlemen who now stand in the house on their responsibility? Where would they take refuge? They would get out of the reach of the house; but he would not like to stand in their position, and come down with such a proposition as this, without first taking the sense of the people on it. The house might, in this respect, well take a lesson from its own legislation as regards municipalities, which are not permitted to incur a debt of even £100, without first obtaining the sanction of the people. He protested against this scheme, in the name of the people of Canada. It was a scheme that was going to ruin the Province. It was a scheme planned to benefit certain parties, regardless of the interests of this country. It was a scheme which had rendered it necessary for the Inspector General to come down and ask for an increase of 20 per cent. on the Customs' Duties — to tax the poor man and the farmer, for the benefit of speculators in England; and he trusted that there was sufficient public spirit and sense of duty left to cause its immediate rejection.⁸⁹

SIR A. MACNAB said that the member for Glengary had very faithfully recapitulated everything that had been done, in former sessions of Parliament, regarding the charter of the Grand Trunk Company. The hon. gentleman himself took no part in granting that charter, it was true, for the best of all reasons — because he was in the Speaker's chair — but then it was supported by all those gentlemen with whom that hon. member generally acted. However, the question before the house was not one regarding the mode of obtaining the charter, but how the road was to be dealt with, in the position in which it now stood before the country. If the question were put to the people of this country, whether they would pay £3,000,000 or £5,000,000 for such a road as the Company contracted to make, he was satisfied that they would say they would pay that amount, and have the road. He remembered that many persons who were now opposed to this road, had, on many occasions, indulged in invidious distinctions between the want of enterprise in this country, and the enterprise of the neighbouring Republic. They told us to look at the railroads in that country, and the improvements visible in that country, and to compare them with our want of railroads and improvements. He had never admitted the truth of those invidious distinctions, for he believed that there never were any people who had done so much for the improvement of their country, as the inhabitants of Canada.⁹⁰ He was fully prepared to assent to the resolutions of the Inspector General, because by adopting them,⁹¹ they ensured the completion of the road; and the security that the Province now held on the road, was rendered good. If the Parliament were to do nothing, but to allow the whole project to stand over until next session, the value of the stock would be ruined, and the security this Province now held would be ruined.⁹² Now, no man was more anxious than was he (Sir Allan) to enjoy the good opinion of his fellow countrymen,⁹³ and though it might be a popular measure just now to oppose this road,⁹⁴ he would say that he would much rather occupy his present position as a supporter of these resolutions, than that of any hon. gentleman opposite, who declared themselves opposed to the measure as at present proposed, and yet can suggest no scheme for its completion. And he felt satisfied that even were this measure distasteful to a portion of the public now, yet, in twelve months' time⁹⁵ those members of the house who secure the completion of the road and secure the interest which the Province now has in the road, would deserve and would receive the commendation of the people of this country. The member for Glengary complained of the cost of the road. Now he [Sir A. MacNab] would say that he had had as much to do with railroads as any man in Canada, and he would affirm that this was the cheapest railroad that ever was built in Canada.⁹⁶ As to the opposition offered to the scheme, that was nothing material. Much greater opposition had been successfully embattled by him in his advocacy of the Great Western line.⁹⁷ The Great Western cost £15,000 per mile, and the cost of this road will be about £8,500 sterling per mile⁹⁸ [OR] £8,700 per mile.⁹⁹ That road was opposed day after day, and was fought through committee during a whole session. It was only carried in a public meeting held in this city, which was attended by some of the best men in Toronto, by a majority of one; — and what was the result? The stock of that road which cost £15,000 a mile was now at a premium of 10 per cent. The opposition to this road was nothing to what the Great Western had met with. It was now said that the Grand Trunk

would not pay; but he thought a large portion of it would pay, and he would tell the reason why he thought so. He compared it with other public improvements in this country. He remembered that some years ago there were no public improvements in this country, except the Welland Canal; that in 1824 there was only one steamer on Lake Ontario, and now he would scarcely like to say how many there are; that at that time there was not a single steamer on Lake Erie; that at that time some of the townships which are now represented by gentlemen opposite were not yet purchased from the Indians. That at that time¹⁰⁰ there were neither macadamized or plank roads in the country, ... [that] the public lands were unsurveyed, and railways were unthought of.¹⁰¹ And he compared the country as it then was with ... what it is now. It was no use to tell him that the road would not pay. He said that the road between Montreal and Sarnia would pay. Exactly the same argument was used against the Great Western. It was said that it would never pay.¹⁰² He then went on to remark the opposition also offered to the Hamilton and Toronto line on the project being mooted — and now the stock of that line is at 30 or 40 per cent. premium.¹⁰³ He was very glad that the Province had been engaged in the undertaking. He was very glad that a contract had been entered into to build this road from Trois Pistoles to Sarnia. He was able to understand that a portion of that line would not pay, but that was no reason why it should not be built. He hoped that it would be built, as there had been a contract entered into and a pledge given that it should be built. A great deal had been said about these subsidiary lines, but he did not understand that the Grand Trunk Company were bound to take those lines. If they thought that those lines would be feeders they might amalgamate them, but they are not bound to do so by these resolutions. The fact, as he understood it, was this: — The resolutions of the Inspector General allow the Company to issue these bonds for £2,000,000, and the company must complete that portion of the road from St. Thomas to Stratford. Now, if the company does that, and gives such a road to the Province as it had agreed to make for £5,000,000, it would be a great advantage to the country, and the thinking people of the country would see the advantage that was derived from its completion, and would find that they had got a very good bargain when there was a railway in good condition from one end of the Province to the other. He was satisfied that this road, instead of being unpopular in the country, would be very popular when it was properly understood, and he was very happy to be able to give it his support.¹⁰⁴

DR. CLARKE wished to understand from the Government whether the contractors had been released from the work on the Stratford road, or if they had been paid anything to give it up?¹⁰⁵

MR. INSP. GEN. CAYLEY said that by the arrangement between the company and the contractors, the company reserved itself the right of saying on 1st May whether the work should be carried on. That time has expired, and the company was not in a position to call on the contractors to go on with the road, as it had not the means. The contractors consequently did not go on with the road west of St. Mary's.¹⁰⁶

DR. CLARKE wished to understand whether the contractors have any claim on the company for that breach of contract?¹⁰⁷

MR. INSP. GEN. CAYLEY knew of no such claim. He could not answer a question of which he had no knowledge decisively, but he had heard of no such claim.¹⁰⁸

DR. CLARKE insisted on the importance of the country being made acquainted with every particular relative to the position and intentions of the Grand Trunk Company; what amount of selling stock would be had for the money expended; what has been paid, and what is due; or to be paid, to the contractors. Full explanations on these and other points ought to be unreservedly given.¹⁰⁹

MR. BELLINGHAM was fully of opinion that the information referred to by the last speaker should be supplied by the Government, and especially with reference to the St. Mary's line. The money expended

thereon by the company had been sufficient to complete and equip a good road, but the means were improvidently and improperly applied. (Hear, hear.) Now instead of concealing the particular facts and items of information that would enable parties in the country and the legislature to understand the exact cause of such failures, and to understand the present and prospective position of the entire work, they were left to grope about in the dark, not knowing whether it was safe to proceed or prudent to recede. There could be no great difficulty in ascertaining the cost of constructing this road. According to his own calculations it could not exceed, along any part from River du Loup to Sarnia, £8,000 per mile. The actual cost per mile need not be over £6,000 sterling¹¹⁰ [OR] the greater part of this road might be constructed for £5,700 per mile¹¹¹, and the difference between currency and sterling would be the profit derived by the contractors. He had arrived at this conclusion by an accurate computation in detail, and had no doubt it would be found correct.¹¹² Any practical engineer acquainted with the line of country, should know that the road might have been constructed on these terms.¹¹³ Under proper and economic management this figure might be the outside bound. But he had other cause[s] of blame besides extravagance. The public had been assured that the whole stock was subscribed in London, and that large demands were made for it; now it turns out otherwise, and the Province ought to know who is the person responsible for having held back this stock. (Hear, hear.) Then, with respect to the purchase of the St. Lawrence and Atlantic road, who was accountable for having counselled the company to buy up this line at cost price when its shares were at 40 per cent. discount? (Hear, hear.) He believed the English stockholders had no knowledge of the deterioration of this stock. Upon such points the fullest satisfaction should be afforded. Then there was blame for building the line in a wrong direction. It should have been built westward, and then it would have paid on partial completion. The eastern sections would now be a dead loss of £180,000.¹¹⁴ He also complained of the want of information respecting the Quebec and St. Thomas, Longue[uil] and Island Pond, and the other Lower Canadian branches.¹¹⁵ He had heard that the cars between Quebec and St. Thomas carried a considerable number of passengers, but neither the company nor the Government had thought fit to make a return of the actual traffic.¹¹⁶ Again, the Government were deserving of censure for paying interest on stock and bonds of a road not in operation.¹¹⁷ The house ought to be put in possession of a copy of the contract entered into between the English company and the contractors. Indeed, the house was entitled to every possible information, and he hoped it would be furnished without further urgent demands for it.¹¹⁸

MR. AT. GEN. CARTIER said that all contracts between those parties had been laid before the house.¹¹⁹

MR. BROWN said it was really most disheartening to rise and address the House again on this scheme.¹²⁰ He referred to the deception which had been practised upon the people of Canada in regard to the Grand Trunk, from the beginning of the enterprise up to the present hour; one aid after another had been extracted from Parliament on specious promises which had invariably been broken, until they were now involved to the extent of \$16,000,000.¹²¹ He was astonished that the hon. and gallant knight should have made such statements as he had done. The scheme now proposed by the Inspector General was not to secure a road from one end of the Province to the other¹²². They were now asked to give up the security they held for their money, in favour of a new loan to the extent of \$10,000,000, and to advance \$5,000,000 more from the public chest in the shape of interest, and take stock in payment which everyone knew was almost valueless. They were asked to do this, without any security for the completion of the work — nay with the perfect knowledge that even this advance would not complete the work. And how was it proposed to lay out the \$10,000,000? Why, in building a road a hundred miles below Quebec, which could not be kept open for several months of the year, and which would have no business upon it even were it open; and in building a bridge which however creditable to the country as a work of art, would contribute nothing to the revenues of the road. Of the £2,000,000 to be raised, £4,450,000 [sic] was to be spent in Lower Canada and not one penny of it would ever yield any return.¹²³ He deprecated

the scheme as being an imposition from the beginning to the end. Canada was, he said, placed in a most unfortunate position in this matter. Canadians had not carried this scheme into the English market, but English capitalists came over here and asked the Province to allow them to take up the work, promising to complete it. (Hear.) And for those men now to come forward, asking for aid, and complaining of being ruined by the Province, was unreasonable and unjust. Again, they had been asked for aid last year, expressly on the understanding that the grant then asked for would be the last, and be fully sufficient to complete the work. Yet those shareholders now come here and ask the Province to give up its security. Now, why should they be asked to do this? Had they broken faith with them? — Quite the contrary. The company had broken faith with the Province. (Hear, hear.)¹²⁴ Mr. Brown went on to show that the Government scheme ... sacrificed the security of the province and largely increased the public debt, without the slightest consideration in return; and that far from aiding the Grand Trunk shareholders, it burdened their works, which every one in Canada well knew would not and could not pay.¹²⁵ He would also call the attention of the House to the fact that a new road, the London and St. Mary's, was incorporated with the Grand Trunk, although but the other evening, when the Bill for the incorporation of the London and St. Mary's line was before the House, they had been distinctly told that the line was not to be incorporated in the Grand Trunk. Yet no sooner was the bill passed than the Government came down with the declaration that it was to form a part of the Grand Trunk. (Hear, hear.) Again, he would call the attention of the House to the outrageous proposal to hand over to the Grand Trunk Company £100,000, in order to enable them to assist the subsidiary lines of Port Hope, and Cobourg and Prescott. Did any one ever hear a more outrageous proposal? The hon. gentleman also entered into a statement of the sums set apart for the various lines, contendidg [sic] that there was not the least hope of finishing these works at such a price. Altogether, it was a scheme which no hon. gentleman in that House ought to lend himself to; and he hoped the House would totally discountenance the measure. Let them have a complete statement of what the Company were prepared to do, and then the House would be able to act fairly in the matter.¹²⁶

MR. INSP. GEN. CAYLEY ... [gave] a few words of explanation in reference to the accounts¹²⁷.

MR. BELLINGHAM drew attention to certain items connected with the Toronto and Sarnia line. The contract for completing it had been originally made for £1,376,000. Now of this amount something over a million had already been paid for about 70 miles of road, whilst for completing the whole line only £327,000 remained. He wished to know, this being the state of the case, were the Government about to take the line up from the contractors?¹²⁸

MR. INSP. GEN. CAYLEY said that the delay was not on the part of the contractors, but at the instance of the company.¹²⁹

SIR A. MACNAB thought this part of the account ought to be explained before the Government took up the line.¹³⁰

MR. INSP. GEN. CAYLEY said that it was altogether a matter between the company and the contractors, with which the Government had nothing to do.¹³¹

MR. GALT explained that the part of the¹³² Toronto and Sarnia [line]¹³³ which had been completed was one of the most difficult railway works he had ever seen, whilst that which remained was quite level and inexpensive. Of the million which had been expended, part had been expended in purchase of the land for the incomplete Stratford and Sarnia road, and the rolling stock necessary for the whole line was also purchased.¹³⁴ He stated that the contractors on the line between Stratford and Sarnia had not given up their contract,¹³⁵ [that they] were perfectly ready to fulfil their engagements whenever they were called on¹³⁶, and that the line had been remarkably well constructed.¹³⁷

DR. CLARKE was not satisfied with this explanation. What was the necessity of purchasing the rolling stock for the whole line when only a part was completed? The Government should have had all the accounts before them, and given them to the House before they took up the line, or called upon it to carry the resolutions of the Inspector General. He (Dr. Clarke) never had any confidence in the management or directorship of the Grand Trunk, and he had now less than ever.¹³⁸

MR. CRAWFORD contended that the road could not have been gone on with unless the whole of the rolling stock had been purchased. He denied the assertion of the hon. member for Glengarry that the works were badly executed. He (Mr. Crawford) knew something about railways, and he stated that neither in Canada nor the United States, as far as he had seen, was there a line with better works than the Grand Trunk. Part of the works which the hon. member for Glengarry condemned, were made by his (the member for Glengarry's) brother, but he (Mr. Crawford) knew that gentleman, and he was quite sure he was not capable of doing what his brother charged him with. The hon. member had also charged him (Mr. Crawford) with speaking against the English contractors on board steamers and in hotels. That was true, and he had done so when he saw that by their prices, the amount of the Government guarantee which would be required by them, would be £6000 per mile. He had also continued to oppose them on the Railway Committee, until they had agreed to accept £3000; after which he did not think he was any longer called on to do so. Mr. Crawford also repudiated the charge of his having been bribed by a directorship, and concluded by hoping that he might yet be able to get into the cars at Sarnia, and never get out again until he arrived at the Atlantic ocean.¹³⁹

MR. INSP. GEN. CAYLEY said, if the House would resolve into Committee, he would answer the various questions put to him.¹⁴⁰

MR. MURNEY desired just to make a few remarks before going into Committee. He had voted last year for the aid applied for by the Grand Trunk Railroad, sooner than throw out of employ the large numbers of persons engaged upon the work¹⁴¹; but at the same time he would be very cautious now.¹⁴² At that time he waited upon the hon. Provincial Secretary, Sir Cusac[k] Roney, and other managers in the direction, and had received a pledge that¹⁴³ that part of the line which concerned him most, the Grand Junction, ... was under construction, and that it would be completed. Since then that portion of the line seemed to be lost altogether, and forgotten; and there did not seem to be the slightest intention of placing a single rail on any part of it. It was his opinion that these branches of the road were only projected for the purpose of getting Parliamentary support.¹⁴⁴ (Hear, hear.)¹⁴⁵ Taking this into consideration he would not pledge himself to support the bill, and at the same time he would not pledge himself to oppose it; he would wait until he heard the whole matter discussed. He felt that he was placed in a very awkward position.¹⁴⁶

MR. J.S. MACDONALD intended to move an amendment, and as the bare explanations offered during this debate, had not altered his convictions in regard to this subject, it was unnecessary for him to extend his previous remarks; but he would only add, that he had always been seriously impressed with the imperativeness of the duty devolving upon the representatives of the country to preserve the public credit; and he felt now, more than ever, when it was proposed to relinquish the only security the Province had for an enormous liability, it was incumbent on them to stand between the public and harm. The purport of his amendment was to elicit the opinion of the country upon this dangerous scheme, which ought not to be sanctioned until that had been obtained through the medium of a general election. He therefore moved, —

"That the House do not now go into Committee of the whole on the said resolutions, but that it be resolved, that it is inexpedient to proceed to their consideration before the people of Canada shall have an opportunity at a general election, of expressing their opinion on the Government scheme now before the House, which is to affect most seriously the financial interests of the Province."¹⁴⁷

(620)

The Honorable *John Sandfield Macdonald* moved in amendment to the Question, seconded by Mr. *Papin*, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to proceed to the consideration of any Resolution on the subject of extending further Aid to the Grand Trunk Railway Company of *Canada*, before the People of *Canada* shall have an opportunity, at a General Election, of expressing their opinion on the Government scheme now before the House, which is to affect most seriously the financial interests of the Province" inserted instead thereof;

MR. PATRICK thought the House should prefer going into Committee at once, in the hope of effecting some improvement upon this proposition. He did not always object to a little log-rolling, but the Inspector-General's scheme was rather too heavy for him.¹⁴⁸

MR. LORANGER. — Can't go the whole log.¹⁴⁹

MR. MACKENZIE made some observations¹⁵⁰ —

MR. SICOTTE the SPEAKER rose, it being six o'clock.¹⁵¹

MR. SICOTTE the SPEAKER took the chair at half-past eight o'clock.¹⁵²

MR. MACKENZIE continued. — He condemned the present bill, which not only threw the debt on the count[r]y, but also the interest.¹⁵³ He had looked up the journals and found that the £900,000 sterling was granted last session conditionally. The conditions on which it was granted were not fulfilled, and yet they proposed now to take another £3,111,000 from us.¹⁵⁴ He maintained that the greatest carelessness was displayed both by the company and the Government in this matter, and said that if the resolutions were passed the people of the country would be very much disappointed, as one of its effects would be to depreciate the value of land very much. He was glad to see the member for Grenville, (Mr. Patrick) in his place, as it occurred to him that that hon. gentleman made a good many shifts in the House, and it was not very long since he performed a summersault. Last session the hon. member for Grenville was found voting against the £900,000 appropriation to the company, now that hon. gentleman is found voting for the appropriation. He (Mr. Mackenzie) would like to know if there was another promise of £45,000 or £50,000. He should like to know the reason the hon. gentleman changed his opinion so soon.¹⁵⁵ He went on to criticise the conduct of the members of the board, especially that of the hon. member for Brockville, who had two sons-in-law in the direction and was a paid director himself.¹⁵⁶ Supposing, for the sake of argument, that the road was built, will then goods and merchandize that go by different routes now, be transferred to the Grand Trunk line. Not a bit of them. In general a railroad that is laid out and planned, with such expectations, turns out a failure. A railroad must depend, in a great measure, on the local trade for its support.¹⁵⁷ He did not wish to institute any comparison between Upper and Lower Canada, but who would take stock in the Riviere du Loup road, which would never pay anything, as it had no through traffic, and must depend on the local trade?¹⁵⁸ The hon. gentleman here went into several of the items in detail, and then condemned them all as so many jobs and log-rolling concerns. Next the hon. gentleman alluded to the Victoria Bridge, and gave his conviction that the House ought to know a little more about this matter, before £800,000 was voted away nominally for it; but in reality the money went to men whose personal characters might be such that no gentleman in the House would lend them 5s. He would like to ask the hon. and gallant knight from Hamilton what was the use of spending £450,000 on the London and Sarnia Railroad, when the Great Western Railroad was in existence. Where was the use of spending such a sum of money to build one road parrallel [sic] to another. The hon. gentleman entered at some length into the great expense that was being incurred on the country, and¹⁵⁹ contended that the course adopted by the Government in taxing the people to pay for carrying

out private enterprise, was nothing but a premium to the country to desire American dominion. He believed that most of the railway was made in an indifferent manner, and the hon. and gallant knight himself allowed that some of it would not pay. They had heard a great deal about skilled engineers, but this was a droll ph[r]ase to him, and yet good care was taken that amongst those skilled engineers such men as Mr. Keefer were not employed.¹⁶⁰ He understood that a trip over the line was proposed to be organised. He was very glad of it, as he would then have an opportunity of seeing what was done, and not to be trusting so much to reports of skilful engineers.¹⁶¹ There were several hon. gentlemen in the house who honestly ought not to vote on this question, and amongst the rest was an hon. gentleman opposite who was a sort of representative of family stock. He (Mr. Mackenzie) complained of the conduct of the government in keeping information back from the House, and substituting for it a petty pamphlet put into their hands at the last hour. The question was, had anybody in the country any confidence in this line of road. There was not ten thousand pounds worth of stock held by the people of the colony and every man who went to Europe, as soon as he saw the Paris Exhibition, after observing that the concern was a very great one, next asked the person to whom he was speaking, if he would buy his stock. The government, with the advocacy of the Barings, of the Governor General, and his relations of the Colonial office in London, would draw out of the Treasury some £1,200,000 a year, and could do what was done before, would send the people flying from the country. An hon. member has spoken of an elective governor. He (Mr. Mackenzie) would wish they had, instead of a governor who only spent a miserable 32,000 dollars a year on the improvements of a wooden palace.¹⁶²

[SIR A. MACNAB:] Question.¹⁶³

[MR. MACKENZIE continued:] The hon. and gallant knight who called "question," might be governor himself, and he (Mr. Mackenzie) would sooner have him than one sent from the old country.¹⁶⁴ Why not let the country have a Governor General of their own choosing, one that live[s] and die[s] among the people — a home made Governor; not a foreign one, as has been the appointment up to the present.¹⁶⁵ But this country always suffered from foreign influence. Why if those great capitalists of England had such an interest in this road, let them finish it themselves. They had money to spare now that the war with Russia was over. But they were told, there might be a war with Jonathan.¹⁶⁶ Is it because, supposing that a war broke out with Brother Jonathan, that the Grand Trunk line would turn out a real convenience — enabling troops to be transported from one end of the Province to the other — that the people of this country are to be taxed to an enormous amount.¹⁶⁷ Well if there was, England could cut this line to transport her guns and her pistols and other shooting implements, and so let her make the road herself altogether. He thought the manner in which the government endeavored to carry this measure most discreditable, and having now protested against it, he would take a long rest, and he hoped have a long sleep.¹⁶⁸

MR. HARTMAN said it was about time to come to the vote, and although he had no objection to vote for the amendment before the House, he thought there was a more direct way of meeting the case. He would therefore move that the House do not now go into committee but that the further consideration of this subject be postponed for six months. This he thought the best way to meet a question of this kind. The subject had been fully argued, and as much had been said as could be said in connexion with it. A scheme more unworthy of the consideration of this House, and of this country could not be devised. He was not opposed to the consideration of some scheme, which had upon the face of it any thing to recommend it to the favorable opinion of any one, but this scheme had nothing to recommend it. It is simply designed to catch votes. It is not calculated to secure the construction of the great work, or afford relief to the English Capitalists who have invested their money in this work.¹⁶⁹ He thought that in the meantime some better scheme might be hit upon than that suggested by the government, whose scheme had had nothing said in favor of it, and nothing against it.¹⁷⁰

MR. SICOTTE the SPEAKER having put the amendment,¹⁷¹

SIR A. MACNAB was rather glad that the hon. gentleman had moved that amendment.¹⁷² [It] showed the feeling of the opposition, who could only meet the motion of the Inspector General with what was called a six months hoist.¹⁷³ Those hon. gentlemen opposite are quite prepared after all that has been said and written — after all the explanations that have been given, and the large sums of money the Province has in this company, and the desire that is manifested to have this road finished — to postpone the consideration of the whole question.¹⁷⁴ He (Sir A.) would be glad to hear the scheme of the opposition of which the hon. gentleman spoke, but it appeared that instead of suggesting anything, they were content merely to put off the question for a six months hoist.¹⁷⁵ If this scheme, produced by the Inspector General, is not a good one, he would like the gentlemen opposite to produce a better one. It is their duty to take up such a scheme as this, on which the eyes of England and of Europe are set.¹⁷⁶

MR. MERRITT would oppose the amendment, because he thought it premature. As the hon. and gallant knight had said, if there was any better scheme, it could be proposed in committee.¹⁷⁷ [He] was not prepared to support either of the amendments before the chair. Had the Inspector General referred this matter to the Railroad Committee, and had it been fully discussed this year as last year, it would have prevented much discussion which must now take place. Nothing is laid before us, nothing is said as to how the money has been expended; but by laying this before the Railroad Committee all the facts would have been presented to the House. Although personally he had no objection to meet the question as it now is, he would have preferred the Railway Committee reporting upon it¹⁷⁸, [and] he thought the house ought to have the accounts connected with the Grand Trunk, now fully put before them.¹⁷⁹ It has been said in England and in nearly all the papers, that the Legislature of this country had drawn in the English shareholders to subscribe to this road, and that consequently this country is under an obligation to continue and to finish this road. The facts ought to be clearly known. So far from this country having in any way or shape contributed to deceive or mislead the shareholders in England — the reverse was the case. This Province had been deceived in every shape from beginning to end, and he could prove this from the records of the House. In 1849, we had a system of railroads in this country which was an effectual one. It afforded aid to every Company that would undertake to finish a certain number of miles. In 1851, from representation made in England, that they would lend us the credit of the Imperial Parliament, we undertook to construct a line of railway from Quebec to Hamilton. We never would have thought of doing so had we not been assured that the credit of the Imperial Government would have been given to us.¹⁸⁰ That aid was, however, not obtained — and in 1853, this country was called upon to guarantee £3,000 a mile, but one condition was, that when the Company expended £100 the Provincial Government should lend £40, and this was to be continued *toties quoties* as the work proceeded. But there never was a grosser fraud practised upon any country than was done on passing that Act, because it was made to refer to an Act previously passed, which enabled the Governor in Council to hand over this guarantee of £3,000 a mile at once, and it is in that way that we have been led into the measure. This Legislature is not directly or indirectly responsible for advancing one farthing. But these English shareholders having been drawn into this work by those men who deceived the Province from beginning to end, ... [the] consequence of this deception is that this Province has been drawn into a debt of £3,000,000, which with the debt of the Northern line, would be in all £5,000,000. As the Province had been drawn in and as the English shareholders had been drawn in, and as they would lose their money unless aid is granted, he was perfectly willing to meet this case in a way satisfactory to these shareholders.¹⁸¹

SIR A. MACNAB. — Let us have your scheme.¹⁸²

MR. MERRITT would not have found fault unless he was prepared to show a remedy, and his remedy was simply this¹⁸³ — he would appeal to the Imperial Parliament, and would now give notice that he would to-morrow move for an Address to the Imperial Parliament to lend this country £5,000,000 of

money, setting forth the inducements which had been held out to Canadians to embark in this Grand Trunk Scheme, and suggesting that the Home Government are bound in justice to themselves and Canada to lend this £5,000,000. He would borrow that money at three per cent., and lend the same capital out here at six per cent., and take the difference between the Imperial and the Provincial credits, and fund it; the result of which funding would be to create a Sinking Fund under the Imperial Act; and that the condition on which they should lend us that credit should be that it should be so funded, and that three per cent. should be paid to them every year, and that the other three per cent. should be paid here to the Receiver-General, which, within twenty years would pay off the debt, and the Province would not lose a farthing. That would pay off all that the Province has lost upon the Grand Trunk¹⁸⁴, and Great Britain will not advance one shilling except her credit.¹⁸⁵ He hoped that hon. members would give this proposition serious attention, and not treat it with ridicule. He then would propose to pay off the shareholders in England who had no doubt entered into the matter without an adequate knowledge of the geographical elements of the country¹⁸⁶, on condition that we get the grant of the Imperial Parliament.¹⁸⁷ Then he would impose this most express condition, that the Government of Canada should in future have nothing to do with this Company. (Hear, hear.)¹⁸⁸ The Grand Trunk shall not be compelled to take this credit unless they please, but if they take it, they do so upon the condition that the Directors appointed by the Government shall go out. He was desirous that these Directors should go out, for¹⁸⁹ no instance could be cited, even in the United States, where railroads were successful with Government people in their Directory.¹⁹⁰ Michigan undertook her central road, but they were glad to sell it out for 13 per cent, that is, with a loss of 87 per cent. That road is now paying 95 per cent. That was a sufficient example for our Government to have nothing to do with railroads.¹⁹¹ With these remarks he would vote for going into Committee and he would vote against the proposed Resolution[s].¹⁹²

MR. MARCHILDON spoke at some length characterizing the Government as the most impudent government he ever saw.¹⁹³ [He] denounced the wasteful employment of public monies for the construction of railroads merely to enrich English capitalists.¹⁹⁴ He firmly believed that they did not require the aid they were asking; but begging had become a sort of second nature with them, and the more they got they would come back and ask the more.¹⁹⁵ He reminded his Lower Canadian brethren that the difficulties which the country now felt itself embarrassed by in connection with the expensive work of the Grand Trunk Railway, were foretold by him, and they had all doubted his prophetic warnings. He cited the financial history of every railway in the province to prove the unremunerative nature of such works, and (amidst confused cries of "question" and much laughter) made an eloquent appeal to his countrymen to give up these extravagant enterprises, put on the cap of wisdom (*chapeau de la Minerve*), and return to the primitive conveyances and Acadian habits of their forefathers.¹⁹⁶

MR. TURCOTTE made a humorous and satirical reply to his hon. friend the member for Champlain, reminding him of the agricultural and commercial advantages the country had derived from the establishment of railways. He regarded the question of rendering aid to the Grand Trunk Railway Company as one rather involving the credit of the country than as simply affecting the pecuniary prosperity of the parties concerned. As the province had now become so deeply involved in the cost of this immense enterprise, it would be the wiser part to strain a point in completing it soon, that some profit might be earlier derived from it. Then the country would begin to feel sensibly the legitimate benefit of a Grand Trunk line of communication between all parts of Canada. For his own part he should support the proposition of the present Government to convey the aid required by the Grand Trunk Company, and would have been willing to go still further, even to approving the scheme submitted by the hon. Mr. Napier on behalf of the Company to guarantee five per cent. He not only wished to see this road completed, but also to witness the commencement of the North Shore line, (hear, hear,) and he thought that by proper representation at the head quarters of the British government, they might possibly be induced to renew the offer once made to undertake the formation of a Railroad connection to Halifax.

If the Grand Trunk line should be built to Trois Pistoles, he had no doubt the local traffic would soon be so developed, as to afford a practical refutation to the argument advanced against it on account of returning no revenue, and such a result might be looked for with certainty whenever the North Shore line and the connection was finished from Three Rivers to Arthabaska.¹⁹⁷ [He] referred to his having been charged with supporting the Government in this measure in consequence of the Road for Three Rivers to Arthabaska being taken up.¹⁹⁸ To prove that he and his neighbouring representatives had not been induced to support the plan, upon which the House was about going into Committee, by any considerations of mere local benefit, he would consent to the Government withdrawing the appropriation to that branch, and he would afterwards vote the aid applied for by the Grand Trunk Company. (Hear, hear.) As he saw the member for Lambton in his place, he would repeat that, so far from the Three Rivers and Arthabaska Road having been thrown in as a bribe, neither he (Mr. T.) nor the member for Three Rivers had opened their lips on the subject, prior to their seeing these resolutions.¹⁹⁹ He was convinced, however, that this was a good line. So far from the member for Haldimand being correct in saying that it passed through a desert or something worse, he would tell that hon. gentleman that he would not find any part of Upper Canada comparable in fine buildings and in prosperity to that part of the country he had styled a desert. Travellers like his own old friend John Neilson — who had travelled through France and Italy and Europe generally, have said that in no part of the world had he seen such a place as this portion of Lower Canada.²⁰⁰

MR. FREEMAN did not see the reason that the Province should run itself into an additional debt of £2,000,000. He understood that this appropriation would go to building the branches of the line, not the line itself. He did not want this. Let the line be completed first, and then let the branches be constructed afterwards.²⁰¹ The contractors, in a letter from Mr. Peto, dated the 13th January, 1855, pledged themselves, if the £900,000 was granted to them, to complete the road to Toronto this autumn, the autumn of 1856. Was that pledge to be fulfilled? Sufficient information had not been given to the House, to enable them to decide on the proposition now submitted. It was unjust to the country, and unfair to members of the House, only to put them in possession this morning of the pamphlet containing the correspondence which had taken place, and to ask them this evening to vote on the merits of a question so important.²⁰² The contract should have been printed and laid before the house last session; but it never was printed.²⁰³

SIR A. MACNAB said that it was laid before the Printing Committee.²⁰⁴

MR. FREEMAN did not see it although he sought to do so.²⁰⁵ He wished to know if the Inspector General had still in hand, as he had formerly stated, a sufficient portion of the £900,000, to finish the road to Stratford. If that were so, he would not be disposed to vote any more money, except perhaps to give the road a western terminus.²⁰⁶

MR. SCATCHERD said he had voted for the London and St. Mary's Road in good faith, believing the object was merely to build a road from London to St. Mary's by a Joint Stock Company. If he had had any idea that it was to be made a part and parcel of the Grand Trunk scheme, and that it was to be coupled with extensions to the east, which could never be profitable, he would not have voted for it.²⁰⁷ If ever there was a millstone around the neck of any Government — it was not the Grand Trunk alone — but the whole railroad scheme. All the business that has been done in the House might have been transacted in four weeks, and the rest of the time ... been spent in discussing railroad matters — and as long as the House was tied by this policy the business of the country could never be gone on with. It would be better — as some hon. gentlemen suggested — to make the line in question a present to any one that would take it. He would vote for any motion that would rid the House of the whole thing.²⁰⁸

MR. PATRICK, in reply to some observations made by the hon. member for Haldimand, stated that he did not intend to vote for the resolutions before the House. He thought that the line from London

to Port Sarnia could very well be done away with. That from London to St. Mary's might be continued. But with the Great Western route and the proposed road to Sarnia there would be two roads running the one way in opposition.²⁰⁹ [OR] The road from Stratford to Sarnia might well be dispensed with, as if constructed, there would be three parallel lines to Sarnia. (No, no.)²¹⁰ And when it was evident that the western part of the road would not pay, it could not be expected that the eastern section could pay. If this was cut away²¹¹, as well as the branch from A[r]thabaska to Three Rivers²¹², he would go for completing the Victoria Bridge, as he thought, notwithstanding what was said to the contrary, that Upper Canada was greatly interested, and would be benefitted by its construction.²¹³ The subsidizing lines, which had the best possible security to offer for the monies advanced them, should also be completed. That was the whole extent of the sommersault [sic] which the member for Haldimand charged him with intending to make.²¹⁴

MR. CHABOT said, that only one question presented itself to the consideration of the house; is this great enterprise to be conducted to an end or is it to be abandoned? All other questions as to the way in which that aid should be afforded, or the peculiar disposition to be made of that aid, could not properly be discussed until the house went into committee. For himself, he felt no hesitation in saying, that means should be adopted and energetically used to carry out to completion this great enterprise. It would then be the most perfect railway communication in the world. It must be made at some time or other, for the growing necessities of this country actually required it; and he was disposed to aid it at once. For this reason he would give his vote to go into committee, reserving to himself the right of dealing with the details of the Inspector General's scheme according to their merits. The legislation of the neighbouring union was often appealed to as a guide for the Parliament of this country to go by in dealing with such questions, and he found by reference to the legislation of the neighbouring States, that all the great railway enterprises of the country received legislative aid; perhaps not in money, but at all events in land — no less than 20,000,000 of acres having been granted for that purpose. Then as to the effect that such works have on the country — he found that land had doubled in value in Lower Canada, even in those places where the road is as yet unfinished, that the value has more than doubled where the road is in working order, and that agricultural produce has attained a price it never reached before in consequence of the markets of the sea-board being brought to their door by the railroad.²¹⁵

MR. BUREAU could not support the proposition of the Inspector General. The house would remember that when the Grand Trunk came down last time and demanded the aid of £900,000, it was said positively that that sum would be sufficient to complete the road. Now they asked for a much more considerable sum; and in all probability they would come down in a couple of years and ask for further assistance. He hasd [sic] therefore, no confidence in the company, no confidence in its desire to keep faith, or in its capability of finishing the work, and would vote for the amendment before the house.²¹⁶

MR. GAMBLE said that the whole of this question was familiar to him, from his having been in the legislature when the charter was introduced, and cognizant of all the steps taken with regard to it. When the plan was introduced by Mr. Hincks he was of opinion that it would not benefit the country, and he had seen no reason to change it since. He had opposed the plan at every stage, until it was carried by a large majority; but, although he had done so, and although he was not surprised when the Company came in 1854, and asked for further aid, yet he was of opinion that the position of the country had changed since this project was introduced. He opposed the project which threw the country into difficulties, but as the country had got into them, he was willing to make a step to relieve it of its difficulties. For that reason he had voted for the aid of £900,000, and when he gave that vote he made up his mind that if further aid was necessary to complete the road he would vote that aid; for he felt that having undertaken the road it was the bounden duty of the country to carry it out to a successful issue. Had the Government come down and asked for additional aid in the shape that they asked it before, he was not aware that he would have supported it; but that was not the matter now before the house. He argued with Mr. Freeman,

that the house was not in possession of that information with regard to the position of the company which it has a right to expect when it demands assistance. The house did not know the true position of the circumstances of the company. He had looked over all the Parliamentary papers within the reach of members; but he did not profess to be able to understand the subject, so as to give a proper and correct vote with regard to it. It was clear that he could not vote for the amendment of Mr. Hartman, or for that of the member for Glengary, and he hoped they would both be thrown out. If they were, he would then move an amendment²¹⁷ to the effect that this House do not now resolve into committee, but that a special committee be appointed by the House to enquire into the position of the Grand Trunk, with power to send for persons and papers. This course should have been taken at the early part of the session, and then the report would have been brought in in such a way as to enable the House to deal with it.²¹⁸ He then alluded to some remarks of Mr. Mackenzie, who had accused him of supporting the Grand Trunk Charter, showing from the journals that he had invariably opposed it, while Mr. Mackenzie had supported it until the motion for the third reading, which that gentleman opposed.²¹⁹

MR. WILSON said that when this project was first brought before the public he felt that the credit of Canada would be damaged before the English public, for every person who saw the statement that was put before the English public was aware that that statement could not be realised. There was no doubt at all that the project was conceived in fraud, without reference to whether it would pay or not; and he had no doubt that those persons who took the contract supposed that they would realise a fortune from the way that the proposition was put forth. — They were disappointed, and the people of England had been disappointed. The view he had always taken was that whatever was necessary to sustain the credit of this country in England, should be at once adopted by this house; but up to the present time no information had been laid before the house on which it could act. The house did not know what portion of the stock was held by the contractors, or what portion was held by persons who had taken stock under the sanction of the Government. He would maintain perfect good faith with all those persons in England who took stock and paid their stock upon the representations made by persons connected with the Government of this country,²²⁰ however unauthorized by this country to make these representations. Whenever the proper information is laid before this House he would be prepared to do what was right to those parties.²²¹ But he was not prepared to sustain the speculations of those persons who, being contractors and stockholders, at the same time expected to make a fortune out of the road. He would treat them very differently from the others. He would be willing to grant such an aid if the undertaking came into the hands of the Province itself, as would be sufficient to carry it out, but he could not understand why the house should be called on to grant such an aid as was now required, for the very proposition puts the security behind what it had been before, and besides it was made another condition that certain lines which never would pay should be attached to this road.²²² He thought it impossible that any person having a knowledge of the Province would imagine that this line would pay below Quebec. He had no doubt of its paying to Portland, but below Richmond he did not think it would ever pay.²²³ That appeared to him to be a very good objection, and he should oppose the scheme altogether.²²⁴ [OR] As the honor and credit of the Province required to be maintained he would support the government, but he would not reimburse those parties who had deceived the Province.²²⁵

MR. COM. CR. LANDS CAUCHON. — How can you distinguish them?²²⁶

MR. WILSON. — That is just where the difficulty is. — We have not the necessary information before the House. We do not know how much of this stock is in the hands of the contractors, and how much is in the hands of the parties.²²⁷

MR. DORION did not think they had sufficient information to enable them to proceed with the resolutions, and should therefore vote for Mr. Gamble's motion. He believed that some assistance was required by the Company, but before giving it, they should have some further information.²²⁸

MR. RANKIN was disposed to take as favourable a view as possible of the Grand Trunk, and would be much disappointed if he could not reconcile to himself the propriety of giving them assistance; but if the matter was pressed on to-night, he should vote for the amendment.²²⁹ [He] considered that a reasonable time should be allowed to consider this question. The document had only been laid before the House this afternoon, and he had not at all events had time to consider it.²³⁰ There was no doubt that a great deal of misrepresentation had taken place in England as to the prospects of the Company, and he was sorry to find from the correspondence that the same thing was going on now. No one believed that the road from Sarnia to Trois Pistoles would be remunerative as a whole — why, then, did the Government, while professing to give aid to the Grand Trunk, insist upon their doing what would be only a loss to them? and if they desired really to aid the subsidiary lines, why did they not honestly say so? He thought they should have one main line from the East to the West, and it was of no consequence to the country by what company it was built. If they made the road from London to St. Mary's, he did not see any use in taking the road to Sarnia at present. If, however, the Government would come down with a plan to complete the whole line to Halifax, he would gladly aid them, as that would be the first step to a general union of the Provinces. Such a plan would succeed — as, by establishing a line of steamers to Galway, the distance by sea to England would be reduced 1000 miles.²³¹

MR. SOL. GEN. H. SMITH was astonished that hon. members should attempt to assure the House that they were willing to support this undertaking, while all the while they were taking the very course to prevent the information being given.²³²

The House then divided on Mr. Hartman's amendment²³³.

(620)

Mr. *Hartman* moved in amendment to the said proposed Amendment, seconded by Mr. *Aikins*, That all the words "it is inexpedient to proceed to the consideration of any Resolution on the subject of extending further Aid to the Grand Trunk Railway Company of *Canada*, before the People of *Canada* shall have an opportunity, at a General Election, of expressing their opinion on the Government scheme now before the House, which is to affect most seriously the financial interests of the Province" be left out, and the words "the further consideration of the Question be postponed until this day six months" inserted instead thereof;

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bourassa*, *Brown*, *Bureau*, *Christie*, *Clarke*, *Charles Daoust*, *Darche*, *Delong*, *Jean B.E. Dorion*, *Dostaler*, *Felton*, *Fergusson*, *Frazer*, *Hartman*, *Huot*, *Jobin*, *John S. Macdonald*, *Roderick McDonald*, *Mackenzie*, *Marchildon*, *Matheson*, *Mattice*, *Munro*, *Murney*, *Papin*, *Prévost*, *Rolph*, *Scatcherd*, *Somerville*, *Thibaudeau*, *Valois*, and *Wright*. — (33.)

(620-621)

NAYS.

Messieurs *Alleyn*, *Bowes*, Attorney General *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Chapais*, *Church*, *Conger*, *Cook*, *Crawford*, *Crysler*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Antoine A. Dorion*, *Evanturel*, *Ferres*, *Thomas Fortier*, *Fournier*, *Freeman*, *Gamble*, *Guévremont*, *Jackson*, *Labelle*, *Larwill*, *LeBoutillier*, *Lemieux*, *Macbeth*, Attorney General *Macdonald*, Sir A.N. *MacNab*, *McCann*, *Masson*, *Meagher*, *Merritt*, *Mongenais*, *Angus Morrison*, *O'Farrell*, *Patrick*, *Polette*, *Poulin*, *Pouliot*, *Rankin*, *Rhodes*, *Robinson*, Solicitor General *Ross*, *James Ross*, *Shaw*, Solicitor General *Smith*, *James Smith*, *Spence*, *Stevenson*, *Supple*, *Taché*, *Turcotte*, *Wilson*, and *Yeilding*.

— (59.)

So it passed in the Negative.

Mr. J.S. Macdonald's amendment was then put²³⁴.

(621)

And the Question being put on the Amendment to the original Question; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bourassa, Brown, Bureau, Christie, Clarke, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Felton, Fergusson, Frazer, Hartman, Huot, Jackson, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Mattice, Munro, Murney, Papin, Prévost, Rolph, Scatcherd, Somerville, Valois, and Wright.* — (33.)

NAYS.

Messieurs *Alleyn, Bowes, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Conger, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gamble, Guévremont, Labelle, Laberge, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Merritt, Mongenais, Angus Morrison, O'Farrell, Patrick, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, Wilson, and Yeilding.* — (59.)

So it passed in the Negative.²³⁵

MR. INSP. GEN. CAYLEY hoped that after the result of the divisions which had been already taken, the house would not refuse to resolve on going into committee to-night.²³⁶ [He] expressed his willingness to afford any information to the House by getting documents printed, and laid before the House.²³⁷

MR. GAMBLE thought the question was one of too much importance to be divided on at that late hour. He would therefore move his amendment, "That a Special Committee be appointed by the house to inquire into the present state and position of the Grand Trunk Railway Company, with power to send for persons and papers."²³⁸

MR. INSP. GEN. CAYLEY defended himself at some length.²³⁹

MR. J.S. MACDONALD condemned the amendment — at the same time he would vote for it, sooner than in any way vote for the Grand Trunk scheme.²⁴⁰ He thought that the Government ought not to object to adjourn the debate, as they could come down with a majority ready purchased.²⁴¹

MR. TURCOTTE. — Order, order.²⁴²

MR. J.S. MACDONALD did not refer to the hon. member.²⁴³

MR. AT. GEN. J.A. MACDONALD did not think the member for Glengary was in a position to ask an adjournment of this debate, because he had shown both by his speeches and resolutions that he was opposed to give aid at all to the undertaking, and that any measure short of the six months' hoist would not meet his approval.²⁴⁴

Mr. Gamble's amendment was then put²⁴⁵.

(621)

And the Question being again proposed, That this House will immediately resolve itself into a Committee of the whole House, to consider the expediency of extending further Aid to the Grand Trunk Railway Company of *Canada*, to enable them to complete their undertaking;

Mr. *Gamble* moved in amendment to the Question, seconded by Mr. *Christie*, That all the words after "That" to the end of the Question be left out, and the words "a Special Committee be appointed to inquire into the present state and position of the Grand Trunk Railway Company, to report thereon with all convenient speed; with power to send for persons, papers, and records" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(621-622)

YEAS.

Messieurs *Aikins, Bourassa, Brown, Bureau, Casault, Christie, Clarke, Cook, Charles Daoust, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Ewanturel, Fergusson, Frazer, Freeman, Gamble, Hartman, Huot, Jackson, Jobin, Labelle, John S. Macdonald, Mackenzie, Marchildon, Mattice, Munro, Murney, Papin, Prévost, Rolph, Scatcherd, Somerville, Thibaudeau, Valois, Wilson, and Wright.* — (39.)

(622)

NAYS.

Messieurs *Alleyn, Bowes, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Church, Conger, Crawford, Crysler, Daly, Dionne, Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Laberge, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Meagher, Mongenais, Angus Morrison, O'Farrell, Patrick, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, and Turcotte.* — (48.)

So it passed in the Negative.

MR. MARCHILDON rose amidst considerable noise and beating of desks, and moved in amendment,²⁴⁶ "That this house do not now resolve itself into Committee of the Whole, but that it be resolved, that an humble address be presented to his Excellency, declaring that no further aid shall be granted to the Grand Trunk, but that that company has caused more harm to the country than all the caterpillars of 1770, than the wheat fly in 1830, and also the potato disease and cholera morbus." (Laughter.)²⁴⁷

MR. SICOTTE the SPEAKER ruled the motion out of order.²⁴⁸

The original motion was then carried on a division, and the house resolved itself into committee on the resolutions.²⁴⁹

(622)

Then the main Question being put; the House divided: — And it was resolved in the Affirmative.

The House accordingly resolved itself into the said Committee²⁵⁰; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Wilson* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

Then, on motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,
The House adjourned.²⁵¹

Footnotes

1. *Toronto Daily Leader*, 12 June 1856.
2. *Globe*, 12 June 1856.
3. *Toronto Daily Leader*, 12 June 1856.
4. *Globe*, 12 June 1856. *Le Pays*, 17 June 1856, reports a commentary regarding this matter.
5. *Toronto Daily Leader*, 12 June 1856.
6. *Toronto Daily Leader*, 12 June 1856. In a short commentary, *Globe*, 12 June 1856, reports that the House proceeded to discuss the Grand Trunk question at "one o'clock in the afternoon".
7. *Globe*, 12 June 1856.
8. *Hamilton Spectator Semi-Weekly*, 14 June 1856.
9. *Globe*, 12 June 1856.

10. *Toronto Daily Leader*, 12 June 1856.
11. *Globe*, 12 June 1856.
12. *Toronto Daily Leader*, 12 June 1856.
13. *Globe*, 12 June 1856.
14. *Toronto Daily Leader*, 12 June 1856.
15. *Globe*, 12 June 1856.
16. *Toronto Daily Leader*, 12 June 1856.
17. *Globe*, 12 June 1856.
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Globe*, 12 June 1856. The corresponding statement in *Toronto Daily Leader*, 12 June 1856, differs greatly, as follows:
"[Mr. Cayley] believed that the expression of confidence by the House would enable the stock to be put for[t]h with great confidence, and it would find a ready sale. In the same way if the House declines to hold it and sell it, the same stock will be depreciated 70 or even 90 per cent. The full loss on a million pounds, assuming it to be at seven per cent. would amount to £300,000".
22. *Globe*, 12 June 1856.
23. *Toronto Daily Leader*, 12 June 1856.
24. *Globe*, 12 June 1856.
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Toronto Daily Leader*, 12 June 1856.
30. *Globe*, 12 June 1856.
31. *Toronto Daily Leader*, 12 June 1856.
32. *Globe*, 12 June 1856.
33. *Toronto Daily Leader*, 12 June 1856.
34. *Globe*, 12 June 1856.
35. *Toronto Daily Leader*, 12 June 1856.
36. *Globe*, 12 June 1856.
37. *Toronto Daily Leader*, 12 June 1856.
38. *Globe*, 12 June 1856.
39. *Toronto Daily Leader*, 12 June 1856.
40. *Globe*, 12 June 1856.
41. *Toronto Daily Leader*, 12 June 1856.
42. *Montreal Gazette*, 16 June 1856. This account is a copy of *Globe*, 12 June 1856, which mistakenly reports the date of "1st June, 1857, to complete the line from St. Thomas to L'Islet", and of "1st June, 1859, to complete the road to Riviere Ouelle".
43. *Globe*, 12 June 1856.
44. *Ibid.*
45. *Toronto Daily Leader*, 12 June 1856.
46. *Globe*, 12 June 1856.
47. *Toronto Daily Leader*, 12 June 1856.
48. *Globe*, 12 June 1856.
49. *Toronto Daily Leader*, 12 June 1856.
50. *Globe*, 12 June 1856.
51. *Toronto Daily Leader*, 12 June 1856.
52. *Globe*, 12 June 1856.
53. *Toronto Daily Leader*, 12 June 1856.
54. *Globe*, 12 June 1856.
55. *Toronto Daily Leader*, 12 June 1856.
56. *Globe*, 12 June 1856.
57. *Toronto Daily Leader*, 12 June 1856.
58. *Globe*, 12 June 1856.
59. *Toronto Daily Leader*, 12 June 1856.
60. *Globe*, 12 June 1856.

61. *Montreal Gazette*, 16 June 1856.
62. *Globe*, 12 June 1856.
63. *Toronto Daily Leader*, 12 June 1856. This newspaper concludes its report of Mr. Cayley's speech with the following statement: "In conclusion he would allude to the report that the line could have been constructed for 50 per cent less than it was at present costing. If it could be constructed [for] so much less, it would undoubtedly be for the interest of Canada to take up the proposition. But in absence of such an offer, Canada did well to take up the present proposition."
64. *Globe*, 12 June 1856. This newspaper also reports in a commentary, that "Mr. Cayley made his speech, and then he sent round the House copies of the correspondence which he had held with Mr. Napier on the scheme or schemes proposed by the Government."
65. *Globe*, 12 June 1856.
66. *Toronto Daily Leader*, 12 June 1856.
67. *Globe*, 12 June 1856.
68. *Toronto Daily Leader*, 12 June 1856.
69. *Globe*, 12 June 1856.
70. *Toronto Daily Leader*, 12 June 1856.
71. *Globe*, 12 June 1856.
72. *Ibid.*
73. *Ibid.*
74. *Toronto Daily Leader*, 12 June 1856.
75. *Globe*, 12 June 1856.
76. *Ibid.*
77. *Ibid.*
78. *Toronto Daily Leader*, 12 June 1856.
79. *Globe*, 12 June 1856.
80. *Ibid.*
81. *Ibid.*
82. *Ibid.*
83. *Ibid.*
84. *Ibid.*
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Toronto Daily Leader*, 12 June 1856.
89. *Globe*, 12 June 1856.
90. *Ibid.*
91. *Toronto Daily Leader*, 12 June 1856.
92. *Globe*, 12 June 1856.
93. *Toronto Daily Leader*, 12 June 1856.
94. *Globe*, 12 June 1856.
95. *Toronto Daily Leader*, 12 June 1856.
96. *Globe*, 12 June 1856.
97. *Toronto Daily Leader*, 12 June 1856.
98. *Globe*, 12 June 1856.
99. *Toronto Daily Leader*, 12 June 1856.
100. *Globe*, 12 June 1856.
101. *Toronto Daily Leader*, 12 June 1856.
102. *Globe*, 12 June 1856.
103. *Toronto Daily Leader*, 12 June 1856.
104. *Globe*, 12 June 1856.
105. *Ibid.*
106. *Ibid.*
107. *Ibid.*
108. *Ibid.*
109. *Ibid.*
110. *Globe*, 13 June 1856.
111. *Toronto Daily Leader*, 12 June 1856.

112. *Globe*, 13 June 1856.
113. *Toronto Daily Leader*, 12 June 1856.
114. *Globe*, 13 June 1856.
115. *Toronto Daily Leader*, 12 June 1856.
116. *Globe*, 13 June 1856.
117. *Toronto Daily Leader*, 12 June 1856.
118. *Globe*, 13 June 1856.
119. *Ibid.*
120. *Toronto Daily Leader*, 12 June 1856.
121. *Globe*, 13 June 1856.
122. *Toronto Daily Leader*, 12 June 1856.
123. *Globe*, 13 June 1856. According to Mr. Cayley's resolutions, the total sum to be raised for expenditures in Lower Canada was £1,450,000, that is: £525,000 for the St. Thomas to Riviere-du-Loup railway line, £800,000 for the Victoria Bridge, and £125,000 for the Three Rivers and Arthabaska railway line.
124. *Toronto Daily Leader*, 12 June 1856.
125. *Globe*, 13 June 1856.
126. *Toronto Daily Leader*, 12 June 1856. *Globe*, 13 June 1856, reports that Mr. Brown "discussed the Government scheme at length".
127. *Globe*, 13 June 1856.
128. *Ibid.*
129. *Ibid.*
130. *Ibid.*
131. *Ibid.*
132. *Ibid.*
133. *Toronto Daily Leader*, 12 June 1856.
134. *Globe*, 13 June 1856.
135. *Toronto Daily Leader*, 12 June 1856.
136. *Globe*, 13 June 1856.
137. *Toronto Daily Leader*, 12 June 1856. This report specifies that Mr. Galt gave his explanation in answer to an enquiry from Dr. Clarke (see page 2576).
138. *Globe*, 13 June 1856.
139. *Ibid.*
140. *Ibid.*
141. *Ibid.*
142. *Toronto Daily Leader*, 12 June 1856.
143. *Globe*, 13 June 1856.
144. *Toronto Daily Leader*, 12 June 1856.
145. *Globe*, 13 June 1856.
146. *Toronto Daily Leader*, 12 June 1856.
147. *Globe*, 13 June 1856. *Toronto Daily Leader*, 12 June 1856, does not report any statement by Mr. J.S. Macdonald but does remark that "the hon. gentleman commented on his motion at some length."
148. *Globe*, 13 June 1856.
149. *Ibid.*
150. *Toronto Daily Leader*, 12 June 1856.
151. *Ibid.*
152. *Ibid.*
153. *Ibid.*
154. *Globe*, 13 June 1856.
155. *Toronto Daily Leader*, 12 June 1856.
156. *Globe*, 13 June 1856.
157. *Toronto Daily Leader*, 12 June 1856.
158. *Globe*, 13 June 1856. This statement appears to contradict in part the preceding excerpt from the *Toronto Daily Leader*.
159. *Toronto Daily Leader*, 12 June 1856.
160. *Globe*, 13 June 1856.
161. *Toronto Daily Leader*, 12 June 1856.

162. *Globe*, 13 June 1856. *Toronto Daily Leader*, 12 June 1856, reports the following statement: "Among the other inconveniences that were imposed on the country, he [Mr. Mackenzie] mentioned the item, that £200,000 was levied on the country to mend the wooden palaces for the Governor General."
163. *Globe*, 13 June 1856.
164. *Ibid.*
165. *Toronto Daily Leader*, 12 June 1856.
166. *Globe*, 13 June 1856.
167. *Toronto Daily Leader*, 12 June 1856.
168. *Globe*, 13 June 1856.
169. *Toronto Daily Leader*, 12 June 1856.
170. *Globe*, 13 June 1856.
171. *Ibid.*
172. *Toronto Daily Leader*, 12 June 1856.
173. *Globe*, 13 June 1856.
174. *Toronto Daily Leader*, 12 June 1856.
175. *Globe*, 13 June 1856.
176. *Toronto Daily Leader*, 12 June 1856.
177. *Globe*, 13 June 1856.
178. *Toronto Daily Leader*, 12 June 1856.
179. *Globe*, 13 June 1856.
180. *Toronto Daily Leader*, 12 June 1856. According to the report in *Globe*, 13 June 1856, Mr. Merritt said that "the credit of the Imperial Parliament ... had been pledged to Canada in regard to this scheme, for the proof of which he would refer to Earl Grey's Dispatch of April 1847".
181. *Toronto Daily Leader*, 12 June 1856.
182. *Ibid.*
183. *Ibid.*
184. *Globe*, 13 June 1856.
185. *Toronto Daily Leader*, 12 June 1856.
186. *Globe*, 13 June 1856.
187. *Toronto Daily Leader*, 12 June 1856.
188. *Globe*, 13 June 1856.
189. *Toronto Daily Leader*, 12 June 1856.
190. *Globe*, 13 June 1856.
191. *Toronto Daily Leader*, 12 June 1856.
192. *Globe*, 13 June 1856.
193. *Toronto Daily Leader*, 12 June 1856. *Globe*, 13 June 1856, reports that Mr. Marchildon spoke in French.
194. *Globe*, 13 June 1856.
195. *Toronto Daily Leader*, 12 June 1856.
196. *Globe*, 13 June 1856.
197. *Ibid.*
198. *Toronto Daily Leader*, 12 June 1856.
199. *Globe*, 13 June 1856.
200. *Toronto Daily Leader*, 12 June 1856.
201. *Ibid.*
202. *Globe*, 13 June 1856.
203. *Hamilton Spectator Semi-Weekly*, 14 June 1856.
204. *Toronto Daily Leader*, 12 June 1856.
205. *Ibid.*
206. *Globe*, 13 June 1856.
207. *Ibid.*
208. *Toronto Daily Leader*, 12 June 1856.
209. *Ibid.*
210. *Globe*, 13 June 1856.
211. *Toronto Daily Leader*, 12 June 1856.
212. *Globe*, 13 June 1856.
213. *Toronto Daily Leader*, 12 June 1856.

214. *Globe*, 13 June 1856.
215. *Ibid.*
216. *Ibid.*
217. *Ibid.*
218. *Toronto Daily Leader*, 12 June 1856.
219. *Globe*, 13 June 1856.
220. *Ibid.*
221. *Toronto Daily Leader*, 12 June 1856.
222. *Globe*, 13 June 1856.
223. *Toronto Daily Leader*, 12 June 1856.
224. *Globe*, 13 June 1856.
225. *Toronto Daily Leader*, 12 June 1856.
226. *Ibid.*
227. *Ibid.*
228. *Globe*, 13 June 1856. Neither this newspaper nor *Toronto Daily Leader*, 12 June 1856, specifies whether this speech was made by Mr. A. Dorion or Mr. J. Dorion. Both gentlemen voted in favour of Mr. Gamble's amendment.
229. *Globe*, 13 June 1856.
230. *Toronto Daily Leader*, 12 June 1856.
231. *Globe*, 13 June 1856.
232. *Toronto Daily Leader*, 12 June 1856.
233. *Ibid.*
234. *Ibid.*
235. *Toronto Daily Leader*, 12 June 1856, does not include Mr. Hartman in the Yeas, but reports instead Mr. Holton's name. Furthermore, in its list of the Nays, it substitutes Messrs. Laporte and Loranger's names for those of Messrs. Labelle and LeBoutillier. *Globe*, 13 June 1856, does not report the list of voters for this division.
236. *Globe*, 13 June 1856.
237. *Toronto Daily Leader*, 12 June 1856.
238. *Globe*, 13 June 1856.
239. *Toronto Daily Leader*, 12 June 1856.
240. *Ibid.*
241. *Globe*, 13 June 1856.
242. *Ibid.*
243. *Ibid.*
244. *Toronto Daily Leader*, 12 June 1856.
245. *Ibid.*
246. *Ibid.*
247. *Globe*, 13 June 1856.
248. *Ibid.*
249. *Globe*, 13 June 1856. Commentaries regarding this debate and Mr. Cayley's resolutions for additional aid to the Grand Trunk Railway Company are reported in *Globe*, 12 and 13 June 1856, *Toronto Daily Leader*, 12 June 1856, and *Le Pays*, 17 June 1856.
250. *Globe*, 13 June 1856, specifies that the committee "rose ... immediately afterwards".
251. *Toronto Daily Leader*, 12 June 1856, and *Globe*, 13 June 1856, both report that the House adjourned "at a quarter to one o'clock."

THURSDAY, 12 JUNE 1856

(622)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Bureau*, — The Petition of *D. Hatton* and others, of *St. Pascal*; and the Petition of *P. T. Casgrain* and others, of *Rivière Ouelle*.

By Mr. *Daly*, — The Petition of the Municipality of the Township of *Howick*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Municipality of the Township of *Morris*; and of the Municipality of the Township of *Brant*; praying for certain amendments to the Assessment Law of *Upper Canada*.

Of *James Calder* and others, of the Township of *Ancaster*; praying that representation may be based upon population.

Of the Municipality of the Township of *Litchfield*; praying for aid to open out a Road in the said Township.

(623)

Of the Municipality of the Parish of *St. François du Lac*; praying that the Town of *Sorel* may be made the chief place of a new Judiciary District to be formed.

Of *M. Le Cavalier* and others, of the Parish of *St. Laurent*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Mr. *Holton* reported from the Select Committee on the Bill to amend the Act regulating the Inspection of Flour and Meal, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House.

On motion of MR. HOLTON,¹

(623)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Bureau* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Bureau* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

On motion of the Honorable Sir *Allan N. MacNab*, seconded by the Honorable *John Sandfield Macdonald*,

Resolved, That this House doth concur in the Eleventh Report of the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. *Ferres* brought up the Report of the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House.

MR. WILSON said he was desirous of renewing the motion he made on Saturday, or one similar to it. The objection he made to the reception of the Committee's Report was one which was apparent on the face of it — that the Committee had not expressed an opinion on the matters submitted to them. (Hear, hear.) The Committee were directed to make the simple inquiry, whether the charges against Mr. Brown were true or not, but their report afforded no answer whatever to that inquiry. On that ground alone it was quite apparent that the report should be sent back to them with instructions to them to say whether Mr. Brown was guilty or not guilty of the charges. He could not conceive it possible for the house

to receive a report, which in fact contained nothing of what it ought to have contained, a verdict on the matters referred to the Committee. The Report said that the Commissioners falsified the evidence in this way, that they did not report the whole of it to the Government; but what part Mr. Brown had in this, apart from the other Commissioners, the committee were not prepared to say. That was the whole answer which the committee reported to the question, whether Mr. Brown was guilty or not, on the charges brought against him by Mr. Macdonald. The matter did not require discussion — no argument could be raised about it — it was only necessary to state the fact, and the thing was apparent to every thinking man at once. The committee also took it upon themselves to relieve the Attorney General from censure. That was not a matter remitted to them at all. The report should be sent back to the committee, to say whether Mr. Brown was guilty or not. The enquiry was not whether the Commissioners were wrong. That might have been a proper enquiry, it was what had always been sought for; but it was not the enquiry sent to the committee. If the charge had been made against the Commissioners, they should have been brought in to answer, and made parties to the proceedings, which was not done.²

MR. FERRES said his intention had been that the report should lie on the table in the meantime, till the printed report and evidence should be placed in the hands of members, and then an understanding could be come to as to the time when the motion for reception should be made.³

MR. SICOTTE the SPEAKER suggested that a day should be fixed for the discussion of the report, and that it should then be made the first order of the day.⁴

MR. TURCOTTE, for his own part, would desire to have the whole of the printed report and evidence in his hands, before being called upon to give any decision.⁵

MR. J.S. MACDONALD thought that the proposition to have the report printed involved the conclusion that it could not be taken up this session; and he would ask the member for Maskinonge, if he were smarting under such serious imputations as had been cast upon his hon. friend from Lambton, whether he would like to remain under them till another session came round.⁶

MR. FERRES explained that the proceedings of the commission were printed from day to day, by order of the committee, for the use of members⁷ [OR] the proceedings of the committee were all in type, and could be in the hands of members in a day or two.⁸

MR. J.S. MACDONALD said there was another point which he wished to press on the attention of the house. He thought they could not shut their eyes to this glaring fact, that while they had before them in the form of an indictment three or four charges on which the committee were asked to pronounce a judgment in the affirmative or negative, the Report did not affirm or deny the truth of one of them, but at the same time attempted to stamp a number of in[n]uendoes and inferences on his hon. friend. And not only had they evaded saying yes or no to the charges, but they went further, as his hon. friend from London had pointed out, and sought to relieve the Attorney General from censure, which they were not called upon to do. Had they ever heard of a jury pronouncing a man not guilty, but that the prosecutor should be excused? The committee were not asked an opinion on that, and there was no justification for their giving it. They travelled quite out of the record when they apologized for the conduct of the Attorney General in making those charges. And what right had they to bring charges against the Commissioners, when they were not asked to do so, and when the Commissioners had no opportunity of being heard for themselves. They found the Report of a character altogether unauthorized by any instructions given to the committee, and on the very face of it he would say it was apparent that the house should reject the Report at once. They did not pretend to say that his hon. friend was guilty, but they flew away from that to charge the Commissioners with having failed to do their duty, and to excuse the Attorney General for making the charges he did. With the session almost closing, he did not think the matter

should be delayed, but that the house had enough before it to warrant its rejection of the report, without discussion. There was no necessity for reading the evidence. The house might be quite sure that, if there had been anything in the evidence on which the Committee could have convicted his hon. friend, no false delicacy would have prevented their doing so — and, failing that, the house must be satisfied that his hon. friend was innocent.⁹

MR. SICOTTE the SPEAKER said that until the adoption of the report were moved, it should lie on the table, and discussion thereon was utterly irrelevant.¹⁰

[MR. J.S. MACDONALD] wished to move — “That the report be referred back to the Committee, with instructions to amend the same, by confining the conclusions to the specified issues referred to them by this house.”¹¹

MR. WILSON would like to move his motion first.¹²

MR. J.S. MACDONALD had no objection.¹³

DR. CLARKE said he had listened, day after day, and hour after hour, to imputations cast upon the motives of the majority of the Committee, and their reasons for coming to the conclusion they did; but he did not think this the proper time to enter on a justification of their course. For one, he had no objection to have the report sent back to them, that they might investigate the whole case over again, and he would state his reasons why. Instead of being allowed fairly to investigate the case, they were hedged in with legal difficulties from the first, and tied down to legal evidence. Moral evidence would have enabled them to give a verdict of guilty or not guilty. Had they not been tied down by those technicalities, he believed the verdict would have been — “Guilty of the charges morally.” He thought he could say for the member for Wolfe (Mr. Felton), that he would agree with him on that point. That hon. member said — “You have tied yourselves down to take evidence as taken in a court of law — and although I will not say there is legal evidence, there is moral evidence quite sufficient to justify a verdict of that kind.” If the other party wanted the case fully investigated, instead of bringing a lawyer from Hamilton to beset them with difficulties, and to detain them a month seeking proof that the evidence before the Commissioners was destroyed, while all the time it was in the possession of the hon. member himself [Mr. Brown] — if they were allowed to take the evidence over again, without being harassed with technical difficulties — he had no objection to take it back, and had no doubt what would be the verdict of the Committee. If the matter was recommitted to them, they would take evidence morally convincing, without caring for its legality, sufficient to show the whole house that guilt was attributable to the member for Lambton individually, as Secretary to the Commissioners, in having grossly deceived the public by the printed report which was put before them. And that, he believed, was the gravamen of the charge, whether the public and the Government were deceived by the report submitted to them, on which Mr. Smith was dismissed — whether that report contained the correct evidence taken before the Commissioners. There could be no doubt that it was not correct evidence — that not only were sentences altered, and parts omitted, which would have proved decidedly that Mr. Smith in many instances was not guilty, but there was a distortion of written documents. He had no objection to the report being recommitted, with the understanding that the Committee would go through the whole case again, and take the evidence, without having any lawyers before them to confound the case with technical difficulties.¹⁴

MR. WILSON moved — “That the report be not now received, but that it be remitted to the committee, that the following may be reported as the minority report, and appended to the proceedings of the committee.”¹⁵

MR. FERRES did not think the motion was in order, as there was no motion for the reception of the committee’s report.¹⁶

MR. SICOTTE the SPEAKER said that the words, "That the report be not now received," were incorrect; but the remainder of the motion was in order.¹⁷

MR. AT. GEN. J.A. MACDONALD said he had hitherto refrained from taking any part in the discussion, because he looked upon it as premature. He thought it best that the whole subject should be taken up, after members were put in possession of the printed evidence, which would be distributed to-morrow. He hoped the suggestion of the Speaker would be acceded to — that the whole matter, with the motions of the member for London and the member for Glengary, should stand over till some day next week.¹⁸

MR. LARWILL hoped that the evidence would be sent to the country. The public alone were capable of deciding on the matter.¹⁹ But he did not think that the country cared much what became of it, or which of the hon. members was declared in the right or wrong²⁰, [although] these hon. gentlemen ... might care a good deal about themselves.²¹

MR. J. SMITH was surprised at the remarks of the member for Kent. The character of hon. members of this house was surely worthy of preservation, and if such matters were lightly dealt with by members of the house, it would not be long before they lost all title to the respect and confidence of the country. (Hear, hear.)²²

SIR A. MACNAB thought it the most unreasonable thing in the world that the House should be expected to take up that question now, and give a decision upon it before they had an opportunity of reading the evidence. It would be better that the chairman of [the] committee should give notice that he will on Monday move the House into committee of the whole to take up that report, and that it be the first order of Monday. It was quite evident that you could not compel that committee to change their report, although the House refer it back to them. It were better to take the sense of the House that the motion come up on Monday.²³

MR. J.S. MACDONALD. — Will the house then consent to the reception of the minority as well as the majority report?²⁴

SIR A. MACNAB. — I will consent to nothing that will lower the character of this house. I do not admit that the minority have the power to make a report, but their views will appear on the proceedings as reported to us.²⁵

MR. BROWN said that all he desired was that this session should not pass over without the matter being finally settled. He was sure his hon. friends beside him were only desirous to prevent its being sent to the country in such a shape as would make it appear that there was but one side to the story. They desired that if the house shortly broke up, both sides of the question should go to the country.²⁶

SIR A. MACNAB. — There will be a motion made now to print the Report, and the views of the minority will appear on the proceedings.²⁷

MR. BROWN could not agree that the report should be printed by order of the house. He apprehended that the house, when it came to a consideration of it, would say that it did not accord with the issue sent to the Committee, and would not allow it to appear on its Journals. But he was quite willing to agree to the proposition that the matter should be set down as the first order of the day for Monday.²⁸

MR. GAMBLE suggested Tuesday.²⁹

MR. BROWN was willing to agree to any day, provided it was understood that the discussion would certainly come up. He only wished now to say a word in reply to what had fallen from the member for

Wellington (Dr. Clarke). He was astonished that the hon. member should get up and make such a statement. He first said that, had the committee not been tied down by strict rules of legal evidence, they would certainly have pronounced that the Commissioners at any rate were morally guilty of the charges. Now what was the fact? In the proceedings of the committee would be found the following: — “Mr. Felton proposed as an amendment, that the usual course adopted in courts of justice should be followed.” (Hear, hear.) And it was carried on this division: Yeas — Messrs. Felton, Masson, Stevenson, *Clarke*, and the Chairman. Nays — Messrs. Sanborn and Wilson. (Hear, hear.) He (Mr. Brown) had strenuously opposed that course being adopted, and insisted that the Attorney General should be allowed to bring in any sort of evidence he chose, and that he should be allowed to do the same. The member for Wellington voted to prevent that, and yet he came here and stated that the committee could come to no satisfactory conclusion, on account of being tied down by the strict rules of legal evidence! (Hear, hear.) It just showed the way in which he had been treated by the committee. The hon. member spoke of the evidence going to the country. No doubt it would, and the hon. member would have his conduct properly understood before all was done. Then he said a lawyer was brought down from Hamilton, and kept the committee for a month in ignorance that the evidence before the Commissioners was in his (Mr. Brown’s) possession. The statement was utterly untrue. From the time the first witness was called to prove where the documents were, until he laid them on the table, only five days elapsed.³⁰

DR. CLARKE. — [The evidence] was brought out on the 17th March.³¹

[MR. BROWN continued:] He had never heard, until Mr. Grant Powell was brought before the committee, that any one doubted that the documents were in existence. The committee met for the first time on the 1st March, and did nothing. They met again on the 3rd March, and adjourned over till the 10th, and still did nothing. Then to the 12th March, when the first witness was called, and the first announcement given that it was supposed the books had been burned.³² They adjourned until the 14th,³³ and on the 17th March ... he informed the committee that the books had never been out of his possession.³⁴

DR. CLARKE. — We sent to Judge Lafontaine, to see whether he had them.³⁵

MR. BROWN. — Yes, but before Judge Lafontaine’s answer was obtained the committee proceeded to prove that the books were all destroyed by fire, at Quebec.³⁶ The very day that Mr. Grant Powell was put into the box, he [Mr. Brown] consulted 12 members of the house, and asked them what he should do. At least ten of them recommended him not to give the books up, but to allow the other side to go on and give their evidence. He resolved, however, not to pursue that course, but produced them voluntarily, and they would not have been in possession of the committee now, unless he had resolved to take this course — but there they were, and showed that the charges were utterly untenable.³⁷

MR. SOL. GEN. H. SMITH. — I object to the hon. member discussing the evidence.³⁸

MR. AT. GEN. J.A. MACDONALD hoped the hon. gentleman was not intending to go into the merits of the case.³⁹

MR. BROWN said he was not going into the merits of the case, but merely replying to some of the statements of the member for Wellington. The hon. member said that it could be shown that the whole proceedings of the Commissioners were unjust, that they gave a wrong view of the evidence, and did not report it correctly to the Government. Now, what was the fact? that, after 3½ months of investigation, only 7 cases could be produced in which it was declared that there was any variance between the original evidence and the printed report, and of these 7, he believed they had now given up 4.⁴⁰

MR. AT. GEN. J.A. MACDONALD. — Not one of them.⁴¹

MR. SICOTTE the SPEAKER said the hon. member for Lambton would better consult his own interest by allowing the matter to lie over until the report and the evidence be before the House.⁴²

MR. BROWN said he did not wish to go into the discussion; but it would have appeared strange, if he had allowed those statements of the member for Wellington to go to the country without contradiction. (Hear, hear.) All he wanted was to enter his protest against them. The gallant knight spoke of the proceedings of the committee being ordered to be printed. But he must see that this could not be done, because there was a strong objection to those proceedings on the very face of them. A certain reference was made to the committee; but they took up, not that reference, but matters entirely foreign to it, and reported on these. (Hear, hear.) He did not object to their taking up those matters. He was quite prepared to meet them on that ground; but he insisted on this, that, coupled with these other matters, they should have given a distinct answer, yea or nay, to the specific issues sent to them. (Hear, hear.)⁴³

MR. SICOTTE the SPEAKER said the printed evidence might be put in the hands of members, without a formal order by the house.⁴⁴

MR. HOLTON urged that Tuesday should be fixed for the debate, as this was properly a Government matter, arising out of the action of the leader of the Government. (Hear, hear.) On Monday notices preceded orders of the day, and the motion for taking up the orders might be opposed.⁴⁵

MR. SICOTTE the SPEAKER said that, as the understanding was that Monday should be appropriated to the debate, the motion for taking up the order would of course not be opposed.⁴⁶

MR. FERRES moved that the report be printed for the use of members. (No, no.)⁴⁷

MR. SICOTTE the SPEAKER said, the hon. member had better move that the report lie on the table, and that the consideration of it be taken up on Monday next, and be then the first order of the day.⁴⁸

[MR. FERRES] then moved ... that the further consideration of this question be postponed till Monday — then to be the first order of the day.⁴⁹

MR. FELTON, before the motion was put, wished to say that he had given Dr. Clarke no authority to make the statement regarding his position in this matter, which, he was informed, that hon. member had made in his absence. (Loud cries of "Hear, hear.") He had never stated that his opinion of the evidence was different from what he considered would be its legal effect. (Hear, hear.) His opinion, in reference to these transactions was contained in the observations he made to the house on Saturday. (Hear, hear.)⁵⁰ There was no necessity for repeating them at present, but he wished to abide by these observations.⁵¹

[The motion was] carried.⁵²

(623)

Ordered, That the said Report do lie on the table.

Ordered, That the said Report be taken into consideration on Monday next, and be then the first Order of the day.

Mr. *Papin*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Twelfth Report of the said Committee; which was read, as followeth: —

Your Committee have considered the Bill to amend and extend the Charter of the *Amherstburg* and *St. Thomas* Railway Company referred to them, and have made several amendments thereto, the whole of which they humbly submit for the consideration of Your Honorable House.

Ordered, That the Bill to amend and extend the Charter of the *Amherstburg* and *St. Thomas* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

MR. FREEMAN opposed proceeding with it till the amendments made by the Railroad Committee had been printed and put in possession of members.⁵³

After some discussion, it was agreed to proceed with the Bill, which was accordingly passed through committee, and ordered to be read a third time on Tuesday next, being in the meantime reprinted as amended.⁵⁴

(623) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Foley* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Tuesday next.

Ordered, That the Bill be printed for the use of the Members of this House.

MR. MERRITT moved the first reading of a Bill, from the Legislative Council, to enable all the chartered Banks of this Province to enjoy certain privileges therein mentioned.⁵⁵

MR. HOLTON explained that the only clause in this Bill was an exact copy of the clause in the Act of the Montreal Bank, which had been so much discussed. It was desired to extend to all the chartered Banks of the Province the same privilege of charging a half per cent. discount on bills and other negotiable securities payable at a place different from that at which they were discounted.⁵⁶

The Bill was then read a first and second time⁵⁷.

(624) On motion of the Honorable Mr. *Merritt*, seconded by Mr. *Freeman*,

Ordered, That the Bill from the Legislative Council, intituled, "An Act for enabling all Chartered Banks in this Province to enjoy a certain privilege therein mentioned," be now read for the first time.

The Bill was accordingly read the first time.

The Honorable Mr. *Merritt* moved, seconded by Mr. *Freeman*, and the Question being put, That the Bill be now read a second time, and the Rules of this House suspended as regards the same; the House divided: — And it was resolved in the Affirmative.

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

The house then proceeded to the orders of the day.⁵⁸

On motion of MR. CHAPPAIS,⁵⁹

(624) A Bill to amend the *Lower Canada* Municipal and Road Act of 1855, was, according to Order, read the third time.

On motion of Mr. *Felton*, seconded by Mr. *Chapais*, a Clause (The annexation of the Township of *Westbury*, in the County of *Compton*, to the Township of *Ascot*, in the said County, by the Registrar holding the Elections for the said County under the said Act, for Municipal purposes; and the annexation of the Township of *Auckland* to the Township of *Newport*, in the said County; and the annexation of the Township of *South Ham* to the Township of *Ham*, in the County of *Wolfe*, and of the Township of *Stoke* to the Township of *Windsor*, in the County of *Richmond*, by the same Officer, for the same purposes, shall be considered and held to be and

have been legal and valid, and the election of Councillors under such unions, and all the acts, proceedings, and by-laws of the Councils of the unions of Townships, shall be held to be as legal and valid in all respects as if the said Townships had been legally annexed at the time they were so united, and the said Townships shall remain united for Municipal purposes until separation shall be sought and obtained by the inhabitants of the less populous Townships, after such Townships shall have acquired a population of three hundred souls,) was thrice read; and added to the Bill.

Resolved, That the Bill do pass, and the Title be, "An Act to set off part of the County of *Chicoutimi* as a separate Municipality, and to render valid certain Elections in the Townships therein mentioned."

Ordered, That Mr. *Chapais* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to provide a uniform mode of incorporating Societies formed for Religious, Charitable, and Educational purposes, being read;

MR. DRUMMOND moved the third reading of the bill... The hon. gentleman suggested a simple verbal alteration to one of the clauses.⁶⁰

The bill ... was read a third time on a division, a verbal amendment having been made on the clause providing that real estate should only be held for the purposes of use and occupation⁶¹.

MR. DRUMMOND moved that the bill do now pass.⁶²

MR. FERRES thought that the bill required some amendment. The sixth clause enacted that the corporations dealt with in the bill should, after coming into possession by devise of any quantity of real property, sell that property within two years after such devise being made. There was, however, nothing in the bill enacting any penalty, should this condition be uncomplied with, and he thought that some provision might be introduced declaring that in such case the land should at once revert to the legal representative of the testator.⁶³

MR. A. DORION ... said that the bill was not complete. The act did not provide that the actual quantity of land that a corporation had should be known. Such an amendment should be added to the bill to make it a good one.⁶⁴

MR. SOL. GEN. H. SMITH spoke at length on the bill.⁶⁵

MR. AT. GEN. J.A. MACDONALD ... and MR. J.S. MACDONALD ... [made] a few observations⁶⁶.

MR. DRUMMOND proposed an amendment to the sixth clause, to the effect that in case any land devised to a corporation was not sold within the time required by the bill, the bequest should be null and void.⁶⁷

The amendment ... [was] put and carried⁶⁸.

(624)

The Honorable Mr. *Drummond* moved, seconded by the Honorable Mr. Attorney General *Cartier*, and the Question being put, That the Bill be now read the third time; the House divided: — And it was resolved in the Affirmative.

The Bill was accordingly read the third time.

On motion of the Honorable Mr. *Drummond*, seconded by the Honorable Mr. Attorney General *Cartier*, amendments were made to the Bill, by inserting after the word "organized" in the third line of the fifth Clause, the words "and not for the actual use and occupancy of such

Corporation," and by inserting after the word "thereof" in the fourteenth line of the sixth Clause the words "and in default of such property being sold within the time above mentioned, the devise or bequest thereof shall become null and void."

On the question that the bill do pass,⁶⁹

MR. FELTON proposed, as an amendment, that all corporations of a secret or political character be excepted from the provisions of the bill.⁷⁰

MR. SICOTTE the SPEAKER suggested that this was not the proper time to propose an amendment of the kind proposed by the hon. member.⁷¹ The amendment should have been made before the motion, for the passing of the bill was put from the chair.⁷²

MR. J.S. MACDONALD hoped that the hon. member would withdraw his amendment. It would provoke a discussion on what he might call an impracticable question. Although the bill was not all he could wish, still he would support it as a measure of justice.⁷³

MR. BROWN thought that although this bill, as it stood, had some advantages, still it had two very great disadvantages, and he regretted that on that account he could not support it. One was that it took out of the hands of the house all power over corporations incorporated under this bill, and that there would be nothing to prevent any five persons from incorporating themselves for any undesirable object, and for keeping out of sight the real objects of their incorporation. Another objection was that it repealed the mortmain law of Upper Canada, but did not put it on any better footing than before. He had hoped that the hon. member for Shefford would have adopted the amendments suggested; but as he had not, he was sure, as it stood, the bill would not work. A suggestion had been made by the hon. member for Montreal, which he would wish to see carried out, to the effect that it would be advisable to introduce a general act in reference to all corporations. But as for this bill, he was satisfied that great evils would grow up under [it], and therefore he could not support it.⁷⁴

MR. DRUMMOND said it had been objected to this Bill that it was an experiment, but that was not the case. In several of the United States where the laws restricting corporations were not as stringent as in Canada, measures of this kind were in existence, and were found to work well. The fact was, that whilst every opportunity was given to persons of bad principle to form corporations for the purpose of victimising their fellow creatures, on the other hand every obstacle was thrown in the way of men who sought to combine for a good object. It was not the fact that any five men could combine under this Act for a bad purpose; for if they attempted it, any man of energy could put them down in a very short time. The hon. member for Lambton had first said the Bill was a very good one, and then that it was not; but he had no scheme of his own to propose, and he (Mr. Drummond) believed that the hon. member's only object was to keep up an agitation, which he hoped this Bill would for ever set at rest.⁷⁵ The measure was a general one, and would confer vast benefits on the country.⁷⁶

The House then divided on the passing of the bill⁷⁷.

(624) The Honorable Mr. *Drummond* moved, seconded by the Honorable Mr. Attorney General *Cartier*, and the Question being put, That the Bill do pass, and the Title be, "An Act to provide a uniform mode of incorporating Societies formed for Religious, Charitable, and Educational purposes;" the House divided: and the names being called for, they were taken down, as follow: —

(625) YEAS.

Messieurs *Alley*, *Bellingham*, *Biggar*, *Bourassa*, *Bowes*, Attorney General *Cartier*, *Casault*, *Cauchon*, *Chabot*, *Chisholm*, *Church*, *Clarke*, *Conger*, *Cook*, *Crawford*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Dionne*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Drummond*, *Felton*, *Ferres*, *Thomas*

Fortier, Fournier, Frazer, Gill, Guévremont, Holton, Jackson, Jobin, Labelle, Laporte, Lemieux, Loranger, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Matheson, Meagher, Mongenais, Papin, Patrick, Polette, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Turcotte, and Valois. — (57.)

NAYS.

Messieurs *Aikins, Bell, Brown, Bureau, Chapais, Christie, Desaulniers, Dostaler, Fergusson, Octave C. Fortier, Freeman, Hartman, Huot, Laberge, Marchildon, Munro, Scatcherd, Thibaudeau, and Wright.* — (19.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. *Drummond* do carry the Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without amendment; viz: —

Bill, intituled, "An Act to incorporate the Town of *Sarnia*, in the County of *Lambton*:"

Bill, intituled, "An Act to amend the Act establishing Mutual Fire Insurance Companies in *Lower Canada*:"

Bill, intituled, "An Act to encourage Ship-building within this Province:"

Bill, intituled, "An Act for the suppression of Lotteries:"

Bill, intituled, "An Act to incorporate the *London* and Grand Trunk Junction Railway Company:" And also,

The Legislative Council have passed a Bill, intituled, "An Act to enable the Members of the United Church of *England* and *Ireland* in *Canada* to meet in Synod," to which they desire the concurrence of this House.

And then he withdrew.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Monday the fifth day of May last, proposed to be made to the proposed Amendment to the Question, That it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools, and to place all the National Common Schools under one uniform system of superintendence and instruction, in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child;

(626)

And which Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools on less favorable conditions to the *Roman Catholic* population of *Upper Canada* than are now enjoyed by the Protestant population of *Lower Canada* under the Common School Acts of the latter Section of the Province, and to make such provision in reference to Separate Schools as will place the *Roman Catholic* minority of *Upper Canada* relatively to the Protestant majority, precisely in the position which the Protestant minority of *Lower Canada* now do or hereafter may hold in reference to the *Roman Catholic* majority" inserted instead thereof;

And which Amendment to the said proposed Amendment was, That the words "it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools on less favorable conditions to the *Roman Catholic* population of *Upper Canada* than are now enjoyed by the Protestant population of *Lower Canada* under the Common School Acts of the latter Section of the Province, and to make such provision in reference to Separate Schools as will place the *Roman Catholic* minority of *Upper Canada* relatively to the Protestant majority, precisely in the position which the Protestant minority of *Lower Canada* now do or hereafter may hold in reference to the *Roman Catholic* majority" be left out, and the words "it is inexpedient to make any change in the existing Common School Laws of *Upper Canada*, so far as they relate to Separate Schools" inserted instead thereof;

And the Question being again proposed on the Amendment to the said proposed Amendment; — The House resumed the said adjourned Debate.

MR. BROWN commented at some length on the main motion and amendments.⁷⁸ [He] said that the last amendment before the House, that of the hon. Postmaster General, was "That it is inexpedient to make any changes in the existing Common School Law of Upper Canada, so far as they relate to Separate Schools." Now he (Mr. Brown) insisted that the principle of sectarianism should be swept away altogether. The hon. member for Wolfe (Mr. Felton) desired by *his* amendment that the sectarian system of Lower Canada should be extended to Upper Canada; that Roman Catholics there should be placed upon the same footing as those in the former.⁷⁹ The hon. member for Wolfe, in moving his motion seemed to have been under the false impression that the school system of Upper and Lower Canada, were the same. Such was not the case — the schools in Lower Canada being decidedly sectarian.⁸⁰

MR. POST. GEN. SPENCE had not said anything as to leaving the sectarian clauses in the School Bill.⁸¹

A Member understood that to be the hon. gentleman's motion.⁸²

MR. POST. GEN. SPENCE denied it. His argument was, that the privileges which had been conceded for fifteen years past to Roman Catholics to have Separate Schools, they should still continue to enjoy.⁸³ On a former occasion he had proved satisfactorily that in adopting this course and allowing their countrymen the full enjoyment of their rights, there was no invasion made in the Common School system. On the contrary, there were at this moment twenty-six school districts in Upper Canada, in which there is not a separate school. He hoped, therefore, that the House would allow this law to continue unaltered;⁸⁴ and he was satisfied that by a liberal course of action towards those connected with the Common Schools, that Separate Schools would not multiply in Upper Canada.⁸⁵

MR. FELTON indignantly denied the assertion made by the honorable member for Lambton, that sectarianism was the characteristic of Lower Canadian schools. He believed that the Upper Canada schools were most decidedly sectarian, and it was not a fair or honest mode of proceeding in the honorable member for Lambton to make such an unfounded charge.⁸⁶ It was in vain to deny that if these schools were filled by teachers who have a given faith, and if they were allowed to read in those schools religious works which have reference to that faith, that they may practically be made Common Schools. There was no difference in that respect between Upper and Lower Canada. Why should the Common Schools of Lower Canada be called sectarian any more than those of Upper? The inference had been advanced that the religious teachers of Lower Canada interfered more with the school children than the teachers do in Upper. This he denied, and he defied the hon. member for Lambton to show the contrary. He thought that the amendment of the Postmaster General was a most extraordinary one.⁸⁷ He hoped the House would vote [it] down.⁸⁸

CAPT. RHODES had much pleasure in supporting the views expressed by the hon. member for Richmond (Mr. Felton). He (Mr. Rhodes) was decidedly in favour of the present school system in Lower Canada, because he thought that it was well suited to Lower Canada.⁸⁹ The common schools of Lower Canada were, he believed, productive of much good; though there were some slight religious observances customary in these schools, such as bowing to the Crucifix, which were objected to. But he believed that was only the effect of prejudice.⁹⁰ When travelling in foreign countries,⁹¹ he had frequently met religious processions, and although he was a Protestant, he always made it a point to take off his hat, whenever the cross of Christ was erected. (Hear, hear.) And in his opinion, no enlightened Christian ought to object to conform himself to religious observances of that nature.⁹² He intended to send his children to be educated in the Roman Catholic schools of Lower Canada, for he had been educated by Roman Catholic

teachers in what might be called Sectarian Schools, and it must not be presumed that thereby he had lost any of his Protestantism. (Hear, hear.)⁹³

MR. FERRES denied that the school system of Lower Canada was sectarian. (Hear, hear.) If it were, attempts would be made to impose the Roman Catholic French system upon the English around where he resided, and by the Protestants to impose their's [sic] upon the Roman Catholics, but this was not the case, for there was no attempt to encroach upon the schools of each other in Lower Canada. (Hear, hear.) Speaking the feelings, as he did, of the Protestants of Lower Canada, he could not but think, that if the same crusade was made against them, by the vast bulk of Roman Catholics in Lower Canada, that is made against the latter in Upper Canada —⁹⁴

MR. CRAWFORD denied this.⁹⁵

MR. FERRES did not mean by the whole body of Protestants, but if this was the case, they in Lower Canada (the Protestants) would feel themselves in a very uncomfortable position.⁹⁶

MR. SCATCHERD was not prepared to say that the Common Schools of Lower Canada were sectarian, but he had always been led to believe that there was something which made a difference between them and the Protestant schools. If the Bible was not to be used in Common Schools why did the Roman Catholics want Separate Schools? Why could not they send their children to the Common Schools?⁹⁷ They had been told that only a few hundred pounds were needed to support the Roman Catholic schools; but he did not object to their establishment on pecuniary grounds. He objected to [sic] principles and felt persuaded, that if once they fully established Separate Schools, they would break up their Common School system.⁹⁸ He was persuaded, that if instead of the Roman Catholics having Separate Schools, the Church of England had them, the same cry would be raised against them by the Roman Catholics that now came forth from the Protestants. He did not think that the hon. members for Megantic or Wolfe took a proper view of the question.⁹⁹

MR. PAPIN said his opinion was, that all sectarianism should be made to disappear, but if that were not done he should desire that the advantages which were given to the minority in one part of the Province should be given to the minority in the other section of it. He would therefore vote for the motion of the hon. member for Wolfe, and would oppose the motion of the hon. member for Wentworth, which tended to prevent that of the member for Wolfe being carried.¹⁰⁰

MR. LORANGER also contended for equality in all respects. But he differed from the member for L'Assomption in desiring to maintain the system of Separate Schools, which he thought was the only method of carrying out the principle of education. He contradicted the statement made in the *Mirror*, that he had spoken in favour of the motion of the hon. member for Wentworth, (Mr. Spence) and if he had voted for the motion of postponement it was only a matter of prudence tending to procure the despatch of business.¹⁰¹

MR. CHABOT said the abstract question, apart from the real question, was whether the Catholics in Upper Canada had sufficient protection. He contended that the law of last session had put the Catholics of Upper Canada on precisely the same footing as the Protestants in Lower Canada; if anything, in a position where they could obtain Separate Schools more readily than the Protestants in Lower Canada. He was not disposed to be always changing the system. This declaration about equality was all very well, but he wanted to see how there was anything to be gained by changing the law, especially at this late period of the session. He would, therefore, vote for the motion of the Postmaster General.¹⁰²

MR. BUREAU said the chief amendments proposed by the hon. member for Toronto had for their object to exempt the Catholics from all school taxes, or taxes for the libraries, when they presented a certificate declaring that they had paid the taxes for their Separate Schools.¹⁰³

MR. PRÉVOST said that there was this difference between Upper and Lower Canada, that in the latter the Separate Schools had the whole of the School monies, whether coming from the Government or the assessment, divided between them, whereas in Upper Canada the Protestants had nothing out of their assessment for the Separate Schools.¹⁰⁴

MR. HARTMAN said that the remarks of the honorable gentleman [sic] who had denied the statement that the schools of Lower Canada were sectarian, proved directly the reverse. The very fact that separate schools were established, evidenced that there were a difference in religious views, and that the people of the Lower Province feared the religious views of their children would be interfered with by the common schools. It was therefore a necessary consequence that the public schools should be conducted on a principle in some respects sectarian. He would also state that all the opposition offered to this measure was based on the principal [sic] that it was unfair the public should be called on to support these separate schools.¹⁰⁵ [But] all which the advocates of Separate Schools asked was that all denominations should be placed on the same footing, and that each should be allowed to tax itself for educational purposes, without any interference of the Government.¹⁰⁶ Each denomination ought to support its own school, and the public should not be in any way called on to support them.¹⁰⁷

MR. STEVENSON said that there [had] been Separate Schools in Upper Canada, conducted on amicable principles, until a certain agitation had been got up for the purpose of raising political capital upon them.¹⁰⁸ [He] hoped the law would not be altered, as it had been productive of much good.¹⁰⁹

MR. BOWES said, that as the originator of the Bill, which had been taken out of his hands by the hon. member for Wolfe, he had a few words to say on the resolutions before the house.¹¹⁰ He thought it necessary to remedy an omission which must have been made by Government in passing the measure granting to Roman Catholics the power to establish separate schools — free from any embarrassment in the collection of the taxes for the support of those separate schools. When that scheme came to be worked it was found that there was a difficulty in collecting the taxes under the bill. In order to remedy this evil and relieve the separate schools from this embarrassment, he brought in this bill which is now asked to be read a second time. After bringing in this bill he consulted a number of friends, who were disposed to give to Roman Catholics in Upper Canada all the advantages they claim for Protestants in Lower Canada, and when they found that an agitation had been got up in the country by a number of persons unacquainted with the privileges the Lower Canadian Protestants enjoyed, his friends requested him not to proceed with that bill until the people of the country had an opportunity of seeing what was the exact state of the question. With that view, he postponed the bill and intended to have postponed it for the session. Why was the discussion got up? He would not say that it was got up for political purposes; but if he said it was not got up for political purposes, he would say what he did not believe. That discussion emanated from one source. The County Council of York and Peel will claim to themselves all the advantages of the agitation to repeal the separate school clauses in Upper Canada. And why do they ask for the repeal of these clauses? Is it because they can assert that these separate schools have done an injury to our Common School system. No — for they had the very best evidence that injury has not been done. But they took up the pastoral of the Roman Catholic Bishop of Toronto, and because he addresses his own people in a way contrary to his (Mr. Bowes's) views on subjects with which he, nor any other Protestant, has any connection whatever, the County Council of York raise an opposition to the arrangements for separate schools in Upper Canada. (Question, question). He would come to the question by and by. The hon. gentleman stated that the County Council of York and Peel commenced this agitation. At the opening of the Council the Warden stated that he had written to the different County Councils for the purpose of agitating this question. Had the same course been pursued in Lower Canada, where would we as Protestants stand in Lower Canada. He did not think there was one hon. member from Lower Canada who would agitate for a repeal of the Common School clauses of Lower Canada. He was not afraid of it, and if the Protestants of Upper Canada were well informed upon our system of Common

Schools, and all the privileges which are asked by Roman Catholics in Upper Canada, there would not have been the slightest agitation in Upper Canada with a view to deny them those privileges.¹¹¹ All that was asked was that the Roman Catholics of Upper Canada should be allowed to collect their own taxes, for the education of their own children¹¹². And he was satisfied that if this was understood as it should be, every Protestant in Upper Canada would give them this, if they thought it would not impair our Common School system. However he did not agree with the resolution proposed by the hon. member for Wolfe, and his reason was this, in Lower Canada the School appropriation is divided according to population.¹¹³ His (Mr. Bowes') plan was to appropriate a grant to each denomination¹¹⁴, [and] the very best way to obtain the object desired is to appropriate the grant as it is done in Upper Canada, in proportion to the number attending school. If the hon. member for Wolfe will alter his resolution to meet this point he (Mr. Bowes) would vote for it. These were his own views on this subject, and he thought they would be entertained by every right minded Protestant in Upper Canada. The hon. member for Lambton a few evenings since — shortly after the caucus held by the opposition — while speaking upon the resolution of the hon. member for Glengary, stated that he had stood alone on the floor of this House and was obliged to advocate extreme views in order to raise a party. But having obtained that, he was now prepared to meet his Lower Canada friends on equal grounds.¹¹⁵ [OR] The hon. member for Lambton, after a meeting of the Opposition caucus, had said that originally he held very extreme opinions on this subject, but that he was obliged to change them for the purpose of conciliating the Lower Canadians.¹¹⁶ He was glad the hon. member for Lambton had receded from his extreme views.¹¹⁷

MR. BROWN. — Not in the least.¹¹⁸

MR. BOWES — Wished to know if he had misquoted the hon. gentleman. He did not wish to misrepresent the hon. member.¹¹⁹

MR. BROWN. — I will explain — ¹²⁰

MR. BOWES would be sorry to misrepresent the hon. member for Lambton, but he understood that he was now prepared to meet the hon. gentlemen from Lower Canada upon a platform of concession...¹²¹

[MR. BROWN:] What I said was, that my opinions remained the same, but that I thought it would be well if¹²² upon all questions affecting Upper and Lower Canada such as this school question,¹²³ some common basis was found on which the Upper and Lower Canadians could meet, so as to avoid their constant divisions and quarrels. I never changed my opinions in the least.¹²⁴

MR. BOWES said he did not accuse the hon. member of having changed his opinions, but he blamed him for having held extreme views.¹²⁵ [He] would only say that the hon. member gave the House to believe that he had receded — not from great principles — but as he had agitated these extreme views for the purpose of raising a party, now that he had attained his object he was ready to meet his friends from Lower Canada in a milder spirit. He (Mr. Bowes,) trusted that this question would not continue to agitate the country as it had done. He found that a great ignorance¹²⁶ — he spoke inoffensively¹²⁷ — prevailed not only in the country but in the city upon this subject, and therefore he thought it was necessary that the question should be some time before the country to allow the people to have time to think over it before they would attempt to deprive Roman Catholics of Upper Canada of the advantages they now enjoy in regard to separate schools. If they had a common school system, to which there was no objection by any religious denomination he would say let them preserve the unity of that system.¹²⁸ But it should be known that Roman Catholics would not send their children to the Common Schools, where they believed that their religion would be interfered with.¹²⁹ It was [therefore] necessary to maintain that provision which has hitherto met even the religious prejudices — if you please — of these people, and they should not attempt to deprive them of those privileges which they had enjoyed for the last 14 years in this country.

He was convinced that every hon. member of this House would think with him that if they attempted to deprive Roman Catholics of Upper Canada of the advantages they now enjoy under our Common School system, they would be laying the foundation for an agitation against the school system itself which would destroy its efficiency. It is found that Separate Schools cannot be maintained in this country at anything like the same cost that the public schools can. He was talking a short time ago with a gentleman who understands the working of the school system. That gentleman said that the public schools were maintained by a tax of 4d. in the pound, while in the same locality it required a tax of 3s. in the pound to support the Separate Schools. If these people were determined in the face of a fact like that, to have Separate Schools, was it not clear that they could not coerce them¹³⁰ to send their children ... to the Public Schools.¹³¹ And if so it would be very unwise in this Legislature to do away with the provision for Separate Schools in our school acts.¹³² He (Mr. Bowes) might at another time say more on this subject, and he never had two opinions upon it.¹³³ He thought the attempt to deprive any portion of their countrymen of education would be unwise and injudicious.¹³⁴ There was another matter, however, on which he had a word to say now, and that was about an agitation got up against his own country.¹³⁵ He knew there were strong feelings in opposition to his countrymen entertained by many people here. An agitation had been got up in another way against them — in consequence of the supposed contemplation of colonizing one portion of the country by Irishmen. Such a system was never contemplated so far as he knew. But he wished to see this country colonized — aye every waste acre of land colonized by Irishmen. He would not say that he would desire to see them settled according to any particular religious belief. He would mix the people up together, and such he would say were the feelings of those people to one another that they would live together in peace and harmony unless some demagogue were to gain a footing among them and destroy that harmony. He could not vote for the amendment of the hon. member for Wolfe, unless that hon. gentleman would change it so as to make it provide that the Legislative grant shall be appropriated according to the school population.¹³⁶

MR. COM. CR. LANDS CAUCHON was desirous of understanding the resolutions before the chair. The hon. member for Lambton had moved that it was expedient to repeal all such sections of the common school acts of Upper Canada as authorise the establishment or continuance of separate schools, and to place all the national common schools under one uniform system of superintendence and instruction — in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child. The hon. member for Wolfe moved to amend [the] said motion by leaving out all the words after separate schools — and inserting in lieu thereof “on less favourable conditions to the Roman Catholic population of Upper Canada, &c., &c.” He could not understand what was meant by this amendment. Had the hon. member said, it was inexpedient to do so and so — unless — then he (Mr. Cauchon) could have understood him — but — ¹³⁷

MR. FELTON. — The hon. gentleman should learn English before he attempted to criticise his motion.¹³⁸

MR. COM. CR. LANDS CAUCHON was a French Canadian, but he would maintain that he understood English better than the hon. member for Wolfe understood French, and he thought that gentleman should go to school again before he attempted to write an amendment. The hon. Commissioner of Crown Lands here entered into an elaborate phisiological [sic] examination of the bearing of the words “on less” on the connexion between the motion of the hon. member for Lambton and the amendment of the hon. member for Wolfe. He declared that the amendment of the hon. member for Wolfe as he proposed it was a piece of nonsense. He proposed to declare that it was expedient to destroy all the clauses of the school act which were not similar to the clauses of the law of Lower Canada, and afterwards to build up a new legislation in the same sense as that of Lower Canada. Now the present school law was a protection to the Catholics; but why destroy that protection until a better law could be

contrived. He denied, too, that there was all the objection to the Upper Canadian School law which was pretended in some quarters; and he especially declined to allow of the mere carrying of abstract propositions without any practical object, and this just at the end of the session, when no law could be carried. It was impossible to have the laws of the two sections exactly alike as to every word and detail; but the great thing was to have the sum privileges equal everywhere, and that he thought was tolerably well attained by the present law.¹³⁹

MR. DRUMMOND rose to explain the course of conduct he intended adopting relative to the measure before the House. He was in favor of the separate school system, and as such, he regretted to state his conviction that the friends of that system did not seem to know precisely what they wanted. They were now the avowed opponents of many of the clauses of that measure, which had been adopted by the Government at their suggestion. And, at that late period of the session, seeing the conflicting opinions prevailing with reference to that question he felt that it would be dangerous to adopt the suggestion of the hon. member for Wolf[e] and repeal the law now in existence. Were the resolutions of that hon. gentleman adopted, the hon. gentleman should immediately follow it up with a bill; and at the late period of the session such a measure could not be satisfactorily framed.¹⁴⁰ He (Mr. Drummond) was unwilling to enter into the history of the Common Schools, on every point of which he felt the greatest pain. He had been subjected to the grossest misrepresentation for the part he had taken. His experience was that it was impossible to satisfy all the parties connected either with the Separate or Common School system. There were a thousand difficulties in the way. He knew that when the hon. member for Toronto brought forward his Bill, it was opposed by some of his closest friends, who were adherents to the Separate School system —¹⁴¹

MR. BOWES: That's true¹⁴².

[MR. DRUMMOND continued:] — and in Lower Canada, there were very conflicting feelings on this subject.¹⁴³

MR. FELTON. — Does the hon. member mean to say, as a lawyer, that the passing of my resolution will be equivalent to a Bill, or will repeal any existing Bill.¹⁴⁴

MR. DRUMMOND. — The resolution, if carried, should, according to parliamentary practice, be followed by a Bill. The hon. member then moved an addition to Mr. Spence's resolution, so as to make it read as follows: Resolved, That it is inexpedient to interfere with the existing law in relation to Separate Schools in Upper Canada, at this late period of the session; but that provision ought to be made next session to place Separate Schools in Upper Canada on a basis as similar as practicable to that of Lower Canada.¹⁴⁵

MR. SICOTTE the SPEAKER said the amendment could not be put, as it was the third on the matter before the house.¹⁴⁶

MR. DRUMMOND would then ask the Postmaster General to withdraw his amendment, and allow his (Mr. Drummond's) to be put in its stead.¹⁴⁷

MR. FELTON said, that if the Postmaster General would do this, he (Mr. Felton) would also withdraw his amendment, in favour of that of the hon. member for Shefford.¹⁴⁸

DR. CLARKE also pressed the Postmaster General to withdraw his amendment.¹⁴⁹

MR. LORANGER explained that the amendment of the hon. member for Shefford being the same in principle as that of the honorable member for Wolfe, he would vote for it.¹⁵⁰

MR. POST. GEN. SPENCE could not consent to withdraw his amendment. In his opinion the great danger they had to contend against was the constant disturbance of their common school system. He did not think the working of the bill introduced last session had as yet been sufficiently tested, to warrant any further interference with it as yet. He believed the great body of the people of Upper Canada were quite satisfied with the present school system.¹⁵¹

MR. BROWN. — No; they are not.¹⁵²

MR. POST. GEN. SPENCE maintained that such was the case, and had the hon. member for Lambton been well informed on the subject he could not deny it. Until better reasons were offered for disturbing their present law, he should support it.¹⁵³

MR. DRUMMOND wished his motion to come before the House, in order to explain his reasons in voting for the amendment of the honorable Postmaster General.¹⁵⁴

MR. LORANGER [stated that], with all due respect to the chair, there was no rule either in the English House of Parliament or their own, limiting the number of amendments.¹⁵⁵ [He] thought that Mr. Drummond's amendment might be put, as it did not clash with those of other hon. gentlemen.¹⁵⁶

MR. J.S. MACDONALD said that by such a system they could never arrive at any decision.¹⁵⁷ [He] hoped that the rules of the house would be adhered to.¹⁵⁸

MR. SICOTTE the SPEAKER here decided that no rule was to be found in the Standing Orders of the House of Commons or of this House, limiting the number of amendments.¹⁵⁹ [But] although the practice of moving an unlimited number of amendments was not against their rules, he had always felt it his duty to ask the sanction of the House in preventing such a practice.¹⁶⁰ He would decide that the motion in amendment was out of order.¹⁶¹

MR. DRUMMOND said, that as his motion had been ruled out of order, he did not think they were in a position to pass a bill of a satisfactory character at this time, when they saw that after the trouble taken last year, dissatisfaction ensued. More irritation would be caused by such a step than ever existed; he therefore desired to explain why he would vote for the amendment of the hon. Postmaster-General. He did not think that the people had had time to make up their minds on the question of Separate Schools, as to the effect of the bill passed last year, as to whether it was a good one or not, but his intention had been not to deprive them of all the means of amending that law; he would therefore vote for the amendment of the Postmaster-General.¹⁶²

MR. PATRICK thought that the course pursued by the hon. member for Waterloo had been very inconsistent. He (Mr. P.) did not see any difference between the resolution proposed by the hon. member for Wolfe (Mr. Felton,) and that proposed by the hon. member for Shefford, (Mr. Drummond) they both requiring that an alteration should be made in the present law. The one hon. gentleman proposed to do this now, the other at a future time, when Parliament should meet. Both gave a warning as to provoking agitation. They censured the hon. member for Lambton, because he opposes Sectarian Schools, and yet they told the House that this law is not to remain as it is, and that unless concession is made we are to be bored again upon this School question. He was sorry to hear such statements. He had always advocated the old sectarian clause, and was very sorry to find himself placed in his present position, being driven to go against that altogether because of the constant complaining and grumbling¹⁶³ of those parties who ought to have been satisfied with the privileges they enjoyed.¹⁶⁴

MR. ALLEYN was opposed to this system os [sic] legislating upon abstract questions, when they could not be reduced to practice. It was unwise to give an opinion upon the proposition, either of the

hon. member for Lambton or Wolfe. At this stage of the session, it would be impossible for them to carry out any Bill founded on such resolutions. He would support the amendment of the Postmaster General, that it is inexpedient at this stage of the session, to vote upon this question.¹⁶⁵

MR. AT. GEN. J.A. MACDONALD thought that the amendment proposed by the hon. member for Shefford was subject to objection, because it called upon the House to state what they would do in another session of Parliament. There was no doubt in his mind, that the people of Upper Canada were prejudiced against Sectarian Schools. He was in favor of supporting the present system because he thought it protected their rights, and he wished the rights of the minority to be respected. Still it could not be disguised that the Representatives in Parliament carrying out the views of the majority, the minority would always be to a very great extent at their mercy, but it was well for the majority to consider that they should not stretch the point too far, as they might lose their present rights altogether, and nothing could be more to be deplored than the anticipation of re-agitation upon this question, — one involving as it did religious feelings of a strong character where prejudice predominated. He would be very sorry to see the system of schools in Upper Canada destroyed. It had protected the people there, those who could not conscientiously send their children to common Schools. Dr. Ryerson had declared in his circular upon the passing of the last Bill, that the amendment to the Separate School system of last session touched the basis of the Common School system. We had got our Common Schools in a flourishing position under the present law. We had also a Separate School system which protected the rights of conscience of the minority, and when they had got that he thought they had got all that they required.¹⁶⁶ The reopening of this question at the present crisis was most injudicious, in his opinion.¹⁶⁷ He hoped that Lower Canadian members would not seek to raise agitation in Upper Canada, because if they did it would lead to the annihilation of the Separate School system, (hear, hear,) and he entreated every hon. gentleman, who was desirous of keeping that system out of the arena of politics (there being already political dissension enough upon other religious questions) to leave the law as it is. He would therefore support the amendment of the Postmaster General.¹⁶⁸

MR. POWELL would not like to interfere with the present law either. The great majority of the people of Upper Canada felt that our present School law was sufficient to satisfy the necessities of the people, that agitation upon the subject was not desirable. He concurred with the hon. member for Lambton that sectarian education is an evil, and that it is possible to establish a system of School education which would be entirely secular and the benefits of which all the people might participate in. If Protestants wanted to have Separate Schools he was not prepared to give them the benefit of the executive portion of administration of the municipal law in their collection of their funds. If they were desirous to have Separate Schools, he would say let them support those Separate Schools, appoint their own trustees, and collect the funds for keeping them up. If those schools were so left, the Separate School system of Upper Canada would soon die out. It was a mistake to suppose that Protestants in Upper Canada wished to be ungenerous towards the Roman Catholics, (hear, hear.)¹⁶⁹ He believed the Protestants of Upper Canada to have a due regard not only for the opinions and rights of their Roman Catholic countrymen, but also for their prejudices.¹⁷⁰ But it was most unhappy that such questions of dissension should be raised at all. He gave his unqualified support to the amendment of the Postmaster General, which desired to leave the thing where it is. Left in that way it would soon work its own cure.¹⁷¹

The amendment of the Postmaster General was then put, reading as follows: "That it is inexpedient to make any change in the existing Common School Law of Upper Canada, so far as they relate to Separate Schools."¹⁷²

(626)

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Biggar, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Church, Clarke, Crawford, Crysler, Daly, Dionne, Dostaler, Drummond, Ferres, Thomas Fortier, Fournier, Gill, Guévremont, Laporte, LeBoutillier, Lemieux, Attorney General Macdonald, McCann, Masson, Meagher, Mongenais, Angus Morrison, Polette, Poulin, Pouliot, Powell, Solicitor General Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, and Turcotte.* — (40.)

NAYS.

Messieurs *Aikins, Bell, Bourassa, Brown, Bureau, Chapais, Chisholm, Christie, Conger, Cook, Jean B. Daoust, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Felton, Fergusson, Octave C. Fortier, Frazer, Freeman, Hartman, Holton, Huot, Jackson, Jobin, Labelle, Laberge, Loranger, John S. Macdonald, Roderick McDonald, Marchildon, Matheson, Mattice, Merritt, Munro, Murney, Papin, Patrick, Prévost, Rhodes, Robinson, Scatcherd, Taché, Thibaudeau, Valois, and Wright.* — (46.)

So it passed in the Negative.¹⁷³

MR. DRUMMOND enquired if he had a right to move an amendment.¹⁷⁴

MR. SICOTTE the SPEAKER said not a similar one to that just lost.¹⁷⁵

MR. BROWN pressed the decision of [sic] the main question. The House should at once declare whether the school system shall be entirely sectarian, to both sections, or only so as applicable to Upper Canada.¹⁷⁶

MR. DRUMMOND thought that the two systems ought to be assimilated as nearly as circumstances will permit. But being convinced that the House had not got the information before it, to enable them to place the system upon a footing to satisfy even the friends of separate schools, he would not propose to legislate this session. (Hear, hear.)¹⁷⁷

MR. POWELL said if the proposed course was to be adopted with a view to future legislation, he was prepared when it came to that, to vote for the motion of the hon. member for Lambton, and he trusted that all members from Upper Canada would do the same.¹⁷⁸

MR. HARTMAN ... [made] a few observations¹⁷⁹.

MR. FELTON said that his object was not to make the position of the Roman Catholics in Upper Canada identical with that of the Protestants in Lower Canada, but to make their position not less favorable. The Hon. Commissioner for Crown Lands had gone about getting up an agitation on this subject for a political purpose, but now that he was in a different position, he was willing to sacrifice his principles for the sake of office.¹⁸⁰ He [Mr. Felton] had been met by the slanderous assertions of the organ of the Commissioner of Crown Lands, which stated that he had betrayed the interests of his constituents. But the vote that evening would show, whether it was the Crown Lands Commissioner or himself that had done so — the vote that evening would point out who had been intriguing against the interests of Catholicism — (hear, hear,) — who was prepared to sacrifice for power, those very interests which brought him into that House. (Hear, hear).¹⁸¹

MR. COM. CR. LANDS CAUCHON said that if the hon. member for Wolfe was allowed to proceed in that manner, he would claim the right of reply.¹⁸²

MR. J.S. MACDONALD hoped that a division would be come to, on the main question, before six o'clock.¹⁸³

MR. CHABOT would move in amendment to the motion before the House, that the further consideration of the said motion be postponed for six months.¹⁸⁴

MR. POULIOT seconded [the motion.]¹⁸⁵

MR. SICOTTE the SPEAKER having put the amendment,¹⁸⁶

MR. COM. CR. LANDS CAUCHON rose to repel the insinuation of the hon. Wolfe (laughter,) — he meant the hon. member for Wolfe.¹⁸⁷ (Oh! oh!) Hon. members might cry “oh!” but he was on his defence and would claim the right of reply. (Hear.) In reference to that gentleman’s remarks about his (Mr. Cauchon’s) organ, he would again state that he had no connection with the paper in question, nor had he even seen the article alluded to¹⁸⁸ and he was satisfied to leave to the country the question as to confidence in himself or the hon. member, as a friend of religious liberty.¹⁸⁹ He would also like to tell that hon. gentleman that he would never receive the support of that party with whom he (Mr. Cauchon) had acted all his life, (oh! oh!)¹⁹⁰ He would not say that he [Mr. Felton] was insincere, because that was unparliamentary, but¹⁹¹ he would warn those hon. gentlemen that the motion of the hon. member for Wolfe was insincere. Was that hon. member attempting to set himself up as a better representative of the Roman Catholics of Lower Canada? (Hear, hear.) Yes he was. But he (Mr. Cauchon) could tell that hon. member that he represented a much larger body of Roman Catholics, and the vote that evening would show that he still possessed the confidence of those members in the House with whom he had hitherto acted. The hon. gentleman dilated at much length on the presumption of the hon. member for Wolfe for speaking in the name of all the Catholics of Lower Canada in opposition to those who had represented them for fifteen years; and concluding by reiterating his opinion that it was unwise to agitate the question then, and he would leave the respon[s]ibility of the fate of this question on the shoulders of those hon. members who had placed the hon. member for Lambton in his present position.¹⁹²

Six o’clock having arrived, MR. SICOTTE the SPEAKER left the chair.¹⁹³

MR. SICOTTE the SPEAKER took the chair about 8 o’clock.¹⁹⁴

MR. FELTON rose and said that the hon. Commissioner for Crown Lands had just before the Speaker left the chair, used a more intemperate tone towards him (Mr. Felton) than he used generally. He had spoken as if the matter was a personal one between them both, and appealed to the experience of the House as to whether they had greater confidence in himself or in him (Mr. Felton.) Now if the Government had been defeated, it was not by his (Mr. Felton’s) strength, but by his (Mr. Cauchon’s) weakness. It was not because the hon. gentleman had lost the confidence of the country, but because he had left for a minute a cause to which he hoped he would come back.¹⁹⁵ He had [also] threatened those hon. and independent members of this House who had voted against him, that they would yet be sorry for that vote. But the hon. gentlemen had voted as their consciences dictated, and if they had voted otherwise they might have been sorry for it. But passing that he wished to know what the hon. Commissioner of Crown Lands meant by those insinuations which he dared not put in plain language.¹⁹⁶ The hon. Commissioner had ... darkly hinted at some motive which influenced him (Mr. Felton) to vote against the Government. Let the hon. Commissioner state in plain terms what that motive was. He (Mr. Felton) waited for the hon. Commissioner’s reply.¹⁹⁷ (The hon. gentleman here sat down to await the hon. Mr. Cauchon’s reply. No answer having been given, the hon. gentleman proceeded.) Is it possible, he said, that an hon. gentleman holding such a high position in this House — could be guilty of uttering a word, a vile insinuation which he dared not put in plain words. Is that the position the Commissioner of Crown Lands desires to assume. Is he prepared to insult the honor of any gentleman by insinuations which he dared not put in fair and plain words. He would call upon him again to substantiate such insinuations.¹⁹⁸ He would assume that the motive so darkly hinted at was that he (Mr. Felton) had not been offered a place in the Government. Now certainly if this was the motive alluded to,¹⁹⁹ that hon. gentleman must have formed a very poor opinion of his (Mr. Felton’s) wisdom if he imagined that he

(Mr. Felton) would risk his political reputation by joining such a Government at the close of a session, and so far run down in the confidence of the House as to be supported only by a majority of four on its inception, and shortly afterwards defeated by a majority of six.²⁰⁰ He (Mr. Felton) might if he pleased, retaliate upon the hon. Commissioner, but he would not, and as the House had succeeded in defeating the amendment of the Postmaster General, he was now satisfied to leave the matter and the responsibility in the hands of the Government. He would therefore vote for the amendment of the hon. member for Quebec. His motive had not been to embarrass the Government, but to struggle for justice to the Roman Catholics of Upper Canada. It was quite evident that no Bill on the subject could be carried this session, and he was willing to leave the responsibility of bringing on a measure next session to the Government; and if this was not done, the hon. Commissioner need not lay the flattering unction to his soul that either he or his colleagues would escape public condemnation.²⁰¹

MR. J.S. MACDONALD was glad that the hon. member for Wolfe and the Commissioner of Crown Lands had settled their differences. It was quite amusing to hear their cross-firing at each other on the floor of the House, and if they were not such friends as they were, it might be thought that they were really about to have a quarrel. However there was a matter before the House of far more importance than the differences of the hon. gentlemen.²⁰² Here is one of the most important questions which Upper Canada has felt, and which has agitated Upper Canada for years. The agitation upon this question is so keenly felt in Upper Canada that Government cannot shut their eyes to it. If the vote of tonight does not convince them that there is a strong manifestation of feeling on this question, and that they are bound to take it up and settle it one way or another, he did not know what would. If the present system could be carried out he would be content to leave it as it is. But there was a strong feeling in favor of a change of the system.²⁰³ He (Mr. Macdonald) would not stop to inquire what prejudices had been moved, or how feelings had been excited, but he would take the question as it was before the House. First there was the motion of his hon. friend the hon. member for Lambton which was to the following effect: — "That it is expedient to repeal all such section[s] of the Common School Acts of Upper Canada as authorize the establishment or continuance of Separate Schools; and to place all national and Common Schools under one uniform system of superintendence and instruction, in which no violence shall be done to the religious feelings of any child, or the parent or guardian of any child." This probably would not give them the *acme* of their wishes, but at least it was aided by the strong feeling of the country. Then there was the member for Wolfe's motion, which proposed to resolve that it was desirable to grant to the Roman Catholics of Upper Canada privileges similar to those enjoyed by the Protestants of Lower Canada. This motion the government had been afraid to meet face to face, and had eluded by an amendment of the Postmaster General.²⁰⁴

MR. POST. GEN. SPENCE: No, no.²⁰⁵

[MR. J.S. MACDONALD] repeated that the Government had evaded the motion of the hon. member. They had not met it with a direct negative²⁰⁶. The administration must have seen this was an important question, and finding themselves in a dilemma and not prepared to face the storm, they got the Postmaster General to evade the issue they dared not meet. But they have found that they have made a mistake.²⁰⁷ The amendment of the Postmaster General was defeated, and now it stood recorded, both by a majority of the whole House, and a majority of Upper Canada, that the House was not satisfied with the existing school laws of Upper Canada. That vote showed that the Government did not possess the confidence of the House.²⁰⁸ Here they sit and ask their supporters to agree with them, that no legislation is needed upon this school question, but their supporters decided against them. It may be said that Lower Canada members assisted in this vote. But if the Government are not able to carry on the affairs of this country to a reasonable conclusion, it is time that some change was made. This was not a question to be so lightly treated, and the House and the country had given in the only constitutional way their decided opinion, that the present ministry are unfit to deal with matters of so great importance.²⁰⁹ In the course

they had adopted they had not pleased anybody in Upper Canada, and had displeased a great many in Lower Canada. If instead of proposing the amendment of the Postmaster General, the Government had first put forward the motion of the hon. member for Quebec, would the hon. members for Lower Canada have voted against it? But the Government made a mistake, and now they had placed the members for Lower Canada in a dilemma, from which the hon. member for Wolfe sought to extricate them by supporting the amendment for [sic] the hon. member for Quebec. But was Upper Canada to have no voice in the matter? But they were told a Bill would be brought in the next session.²¹⁰

MR. BOWES: Hear, hear.²¹¹

[MR. J.S. MACDONALD continued:] The hon. member for Toronto says "Hear, hear," but he believed that next session, the hon. member would avoid bringing in the Bill, which he had himself originated. He was, however, glad of the perseverance of his hon. friend the member for Lambton. The issue had been taken and had resulted favourably to his hon. friend, and yet the Government declared that he and his hon. friend did not represent the feelings of the people of Upper Canada. If the Government were successful on the motion of the hon. member for Quebec, it would be because many members would vote with them, influenced by circumstances of a local nature; but he trusted that as they had been beaten in the attempt to get rid of the motion altogether, so they would be defeated in the attempt to give it a six months hoist.²¹²

MR. BROWN. — Do I understand the hon. gentleman to say that he is opposed to separate schools?²¹³

MR. J.S. MACDONALD. — I do, sir.²¹⁴

MR. LORANGER was at a loss to know whether the hon. member who had just sat down was in favour of Separate Schools or against them.²¹⁵ The speech of the hon. gentleman was much more directed to the ministerial benches than to the question.²¹⁶ All that he (Mr. Loranger) demanded was the same privileges for the Roman Catholics of Upper Canada, which were enjoyed by the Protestants of Lower Canada. That was all the hon. member for Wolfe desired, and that was what the result of the motion of the Postmaster General had declared to be necessary. What would the Protestants of Lower Canada say if the principle of this motion were applied to them. He knew that they would not be satisfied to be placed in a position of inferiority to the Roman Catholics of Lower Canada; for he called the position of the Roman Catholics of Upper Canada one of inferiority. The vote against the Government was not one of want of confidence, it simply declared some change to be necessary, and that change was such a one as was proposed by the hon. member for Wolfe, from whom he was glad the motion in favor of separate schools had emanated, as he was a Protestant.²¹⁷ When we legislate we must forget whether we are Catholics or Protestants; we must legislate for the country at large. The question now to be submitted is, shall this question be deferred for six months or not? The motion which declared it inexpedient to alter the present school law has been negatived, and therefore the House has by a majority of six declared that it is expedient to alter this law. Since this is the case, they must go on; the law must be altered.²¹⁸ What he wanted was that next session they should follow out the course indicated by the vote to-night. He could not see how the member for Glengary was justified in saying that that vote was hostile to the Bill of the member for Toronto. But it was immaterial to him whether the matter was postponed for six months or not. A principle had been declared, not in so many words, but by implication, that the Catholics of Upper Canada should be placed on the same footing as the Protestants of Lower Canada, and any measure to be introduced next session must embody that principle.²¹⁹

MR. SOL. GEN. H. SMITH said he thought the member for Laprairie was very much mistaken in saying that the vote on Mr. Spence's motion affirmed that additional facilities should be given for the

establishment of separate schools. That was not the case. The majority was composed of a combination of members who desired a further extension of the separate school system, and others, like the members for Glengary and Lambton, who wished to sweep them away altogether.²²⁰

MR. BROWN. — And *vice versa* on the other side.²²¹

[MR. SOL. GEN. H. SMITH:] That vote had, it was true, been against the Government, but it was one of the accidental votes. (Laughter.)²²²

MR. BROWN. — Systematically you mean.²²³

MR. SOL. GEN. H. SMITH did not mean any such thing. It was [sic] purely an accidental vote²²⁴. But he warned hon. gentlemen from Lower Canada, who desired an extension of separate schools, that those who voted against Mr. Spence's motion, were in danger of losing the substance while grasping at a shadow. He had always supported the principle of separate schools, believing that in this country a necessity for them existed. But the result of any further legislation on the subject would be, that not only would there be one set of separate schools, but there would be a call for half a dozen sets of them. (Hear, hear.)²²⁵ He hoped the hon. member [Mr. Loranger] would be content with what he had already received, and not run the risk of losing all.²²⁶ Hon. gentlemen opposite voted against Mr. Spence's motion, with the view, not of extending, but of abolishing separate schools, and he would not advise those who were in favor of separate schools to join these hon. gentleman [sic].²²⁷ He would most solemnly declare that he believed no evil had resulted from the establishment of separate schools; but that, on the contrary, they had been productive of much good.²²⁸ There was a motion before the House to place separate schools in Upper Canada on the same footing as dissentient schools in Lower Canada. But they should remember that in Lower Canada there were not only Protestant Dissentient schools, but [also] Roman Catholic Dissentient schools, where the majority were Protestant. If the same system were introduced into Upper Canada, the result would be that they would have all sorts of separate schools, and the member for Lambton would then be in a better position for insisting that they should be swept away altogether. He was opposed to the motion for a six months' postponement of the question. He did not want that hon. gentlemen should be sheltered by any such course from voting on it. As he had said before, the majority against the Government was an accidental one, composed of members with very different views. But, if hon. members from Lower Canada choose to pin their faith to the member for Lambton and the member for Glengary, and to trust the interests of their church into the hands of those gentlemen, on themselves be the consequences.²²⁹

MR. O'FARRELL said that this discussion had been brought up by the member for Lambton time and again, for the purpose of taking from the Catholics of Upper Canada the small boon they now enjoyed in the shape of separate schools in a limited degree. He saw also that in Quebec nine-tenths of the members from Upper Canada declared themselves entirely opposed to separate schools. In those circumstances he thought there was great weight in the observations of the Solicitor General.²³⁰ He had always been an advocate for conceding to Roman Catholics in Upper Canada the same advantages which are now enjoyed by Protestants in Lower Canada. By voting for the motion of the hon. member for Wolfe, he believed hon. gentlemen were opening the door for the hon. member for Lambton²³¹ to abolish every vestige of Separate Schools in Upper Canada. In that motion, there was a written interlineation in [sic] the printed copy which made a very important alteration on it. The printed motion gave to the Catholics of Upper Canada the same advantages as were held by the Protestants of Lower Canada, but there were interlined the following words — "which now are or hereafter may [sic] be held." This would give the member for Lambton, if he got a majority from the country to support him, an opportunity of bringing in a set of resolutions to abolish Sectarian Schools, as he called them, in both sections of the Province, and in that way putting them on the same footing in both sections. Therefore the greatest mistake

the Catholics of Upper Canada ever committed, or their friends from Lower Canada ever committed, would be to support the motion of the member for Wolfe. The last thing they should put into the hands of their open foes, was the power of taking away that which the liberal minded men in this House were willing to give them — the right to have Separate Schools.²³² [He] hoped that their friends from Lower Canada would bear in mind that many motions in that house had been carried by the most extraordinary combinations.²³³ If unfortunately the motion of the member for Wolfe should prevail, it would be found that he was no false prophet when he stated that it would be giving the member for Lambton a sword, by means of which²³⁴ he would strike a deadly blow at the religious and political opinions of the Roman Catholics in both sections of the Province. (Hear, hear.)²³⁵ He would only like an opportunity to be given to have the public opinion of Upper Canada thoroughly tested. For though there was a majority in this House from Upper Canada against Separate Schools, he was satisfied that when a general election came, many of these hon. gentlemen who had strenuously voted against Separate Schools, would be holding their seats outside this House in the next Parliament. If they could not obtain the full measure of what they wanted now, they could bide their time and wait till the next election shewed the followers of the member for Lambton, that there was a public opinion even in Upper Canada in favour of Separate Schools, and he would therefore advise his friends from Lower Canada, instead of joining the members for Lambton and Glengary, who wished to abolish Separate Schools altogether, to unite with the Upper Canadians on the ministerial side, who had on former occasions voted for the preservation of the rights of Catholics.²³⁶ He the[re]fore hoped the House would vote against the amendment.²³⁷

MR. POWELL had given his vote fearlessly and faithfully, and was prepared to abide by it. As far as sectarian education was concerned,²³⁸ he agreed with the member for Lambton, that the people could be educated without any sectarian teaching.²³⁹ He believed all the religion taught in schools was humbug, and tended little to the good of the present generation.²⁴⁰ But at the same time he respected the conscientious convictions of those who considered that, to make education valuable, it should be based on the principles of their religion, and would be willing to allow to Dissentients their proportion of the municipal taxes, and a share of the general revenue. He did not believe that much evil would result from Separate Schools, as they now existed. In rural constituencies, Separate Schools could not exist — the feeling of the people was not calculated to perpetuate their existence, and in cities also even the member for Lambton would not deny that in Toronto for example the working of the Separate School system had been such as to tend to its destruction. He had therefore voted cordially for the motion of the Postmaster General, to leave things as they were. That was negatived by the House, hon. members thereby indicating that they were prepared to adopt some legislation²⁴¹ — and he feared that in negativing this motion, hon. gentlemen had sowed the wind and would reap the whirlwind. In his opinion the people of Upper Canada were not prepared to extend any further privileges to either Protestants or Roman Catholics. Thus far had they gone and they would go no further.²⁴² The only choice therefore left to him was between the motion of the member for Wolfe and that of the member for Lambton, whether they should assimilate the system in Upper Canada to that of Lower Canada, or whether they should do away with Separate Schools altogether. If it came to that, he would take the same course as he would have done, had he been in the House when the school system was first introduced. He would have gone for a general national system, without making any provision for sectarian education. (Hear, hear.) As he had said, he would have been willing to leave things as they were, but as members for Lower Canada were desirous of further legislation, and shut him up to the alternative of having the same kind of Separate Schools in Upper as in Lower Canada, or of doing away with them altogether, he had no hesitation as to the choice he should make, and from this night and for ever, he would go for abolishing the sectarian system of education, so far as the schools of Upper Canada were concerned. (Hear, hear.)²⁴³

MR. LABERGE insisted that with the Ministry in its present position it was impossible for the House to arrive at the solution of any question whatever in a satisfactory manner. The Attorney General West had now advised the Catholics of Upper Canada not to move in this matter, because each time it

was agitated, a new impetus was given to the hostility of Upper Canada. It was therefore that he professed to advise the postponement of the question, but whether there were a general election or not before the next meeting of Parliament, public opinion, according to all authorities, was always growing against it. Postponement therefore was the sacrifice of the principle. Well, if Ministers chose to take that responsibility with their friends from Lower Canada, let them do so, but let it be understood what was the effect of such conduct. No one was less in favour than he of religious discussions; but the question was presented, and it must be solved. He did not blame those who were in favour of mixed schools. Many of them, especially Protestants, could not comprehend the reasons for Separate Schools such as influenced Catholicism. It was natural, for example, that those opinions, should be held by gentlemen whose religion depended on liberty of judgment, and who therefore could not understand the requirements of a faith depending on authority. He then reproached Mr. Cauchon, who had once been the pillar of Catholicism, with being willing to postpone this question in a manner to make the fortune of Upper Canadian agitators in the interim. The faith of some gentlemen however seemed now to consist in denying their faith. But this was the effect of the union which brought Lower Canadians into contact with the stronger force of Upper Canada. He repeated what he had said about the want of wisdom of a postponement of the question, and declared that it was a moral duty to sustain Catholic principles as well in Upper Canada as in Lower Canada. There was however always a day of retribution for cowards and traitors, and that day would no doubt punish the offence to which he alluded. But there was certainly one misfortune that would arise from a refusal to postpone the question. It was the danger perhaps of losing the support of the great Catholic luminary and authority, the Commissioner for Crown Lands. (Hear, hear²⁴⁴, [and] laughter.²⁴⁵) As to what had been said about the terms of the amendment of the hon. member for Wolfe, it was fit only for a pet[t]ifogging attorney. The sense of his motion was plain; it was in a spirit to give to the Catholics of Upper Canada what the Protestants had in Lower Canada. In the state of society which prevailed in Canada even the prejudices of persons of an opposite faith should be respected. But while the inhabitants of Lower Canada were represented as almost savages, attempts were made to prevent their improvement by imposing on them a rule that would prevent them from making use of public schools. Under these circumstances he would regret the unworthy motion in amendment moved by the hon. member for Quebec, but he should of course vote against the motion of the member for Lambton²⁴⁶, as something absurd and unjust.²⁴⁷

MR. ALLEYN thought that the House ought to view the present question with all the surrounding considerations affecting it, and he thought that so viewing the question, Lower Canada gentlemen should have little hesitation in the vote which they should give in this matter. (Hear, hear.) He hoped that his hon. colleague from Quebec would withdraw his motion. Hon. members should put down this shallow attempt to throw a firebrand into the camp, and which was an endeavour to raise dissension here which could only have for its object the putting the hon. members of the opposition into the seats on his (Mr. Alleyn's) side. It would be unwise for the minority from Upper Canada to risk the agitation of this question which would have the tendency to put them in a worse position than they were in at present. It was admitted on all hands, that if this question was carried, it would be merely affirming an abstract principle,²⁴⁸ for no new measure could be framed at this late period of the session.²⁴⁹ What confidence had the French gentlemen on his side in the principles of the hon. members for Glengary, Lambton, and Wolfe? The Catholics of Lower Canada had no confidence in the hon. member for Wolfe. He hoped that hon. gentlemen who had voted in the majority to-night, would reconsider, and reflect that the proper course for them to take was to vote in the negative, upon [t]he two points submitted to them, provided the hon. member for Quebec withdrew his motion. Considering the evils which would result from agitation, he would take the responsibility of voting against that proposition which he thought could not be carried out, which was a shallow attempt to separate the party on his side of the House.²⁵⁰

MR. O. FORTIER was one of those who had given a cordial support to the Government, because he respected their opinions. But he had voted as he had done purely as a matter of conscience. The

Commissioner of Crown Lands might be right, but he was sure that his county would support him, and if it happened that the vote he had given should lead to a dissolution, he would be proud and would stand by it before his constituents. He had voted against the motion of the Postmaster General because he did not think that the present law was satisfactory to the Catholics of Upper Canada, but as he had since found out that the object of proposing the motion was rather to hurry out the Government than to effect the object which he desired, he should now vote differently.²⁵¹

CAPT. RHODES had previously made up his mind to strengthen the minority of Roman Catholics in Upper Canada. He had promised a few weeks ago to Roman Catholic gentlemen in Toronto that they might depend upon the vote of the Protestant minority from his section of the country. (Hear, hear.) About a month ago he had promised Mr. Bowes to support his Bill. He (Mr. R.) was glad to find that the Roman Catholic members in the minority in Lower Canada²⁵², hitherto supporters of the Administration, were conscientious enough to uphold the dearest interests of their constituents, even at the risk of ousting the Ministry. In reply to the remarks of the hon. member for Quebec, (Alleyn) he would quote the statement in a late number of the *True Witness*. That journal says "It is with much pleasure therefore, that we give insertion to the communication above alluded to; as showing that amongst our Irish Catholic population, at least, a strong feeling of generous indignation has been aroused by the scandalous attempt of a corrupt government to deprive the individual of his natural and therefore indefensible right to do what he will with his own." There was another paper from which he would make a quotation, but he did not know that this paper was a supporter of the Catholics of Lower Canada. The *True Witness* says: "Since writing the above we have read in the *Cour[r]ier de St. Hyacinthe*, full confirmation of our worst suspicions against Mr. Cauchon of the *Journal de Quebec*. This political *Iscairiot* sold himself to the enemies of his church for a paltry mess of ministerial pottage; and owing, as he does in a great measure, his elevation to the patronage and countenance given him by the Clergy of Lower Canada, he takes the first opportunity that presents itself to show his gratitude to his patrons and benefactors by grossly insulting them. We trust that the Catholic electors before whom he will have shortly to present himself will give him to understand their candid opinion of his mercenary and dishonorable conduct."²⁵³

MR. JACKSON regretted that the question of religion should be so unnecessarily dragged before the House. He believed that the question now before the house might be advocated without any reference to the religious opinions or prejudices of any particular class of persons. (Hear, hear.) On a question of this importance and character, they ought not to be influenced by the religious opinions of any body of the community. It was a question affecting the education and welfare of the community, entirely apart from religion. He conceived that the school-room was a place where Roman Catholic and Protestant children might meet on common grounds to receive that education necessary to fulfil the duties of life. (Hear, hear.) It appeared to him that a system of education might be adopted, by which all could meet, without having their prejudices interfered with, and that a system of education is not necessarily a system of proselytism. (Hear, hear.) He could not see why the children of Roman Catholic parents could not be brought up in the same schools as those of Protestant parents. He could not see the necessity of teaching religion in schools, nor could he see the necessity of provision being made for such an education by the State. (Hear, hear.) One uniform system of education ought to be adopted — and in order to create such a system, Protestants or Catholics, as such, ought not to be recognized. In speaking thus, however, he would not be understood to depreciate the importance of a religious education. He merely gave it as his opinion that the teaching of religion was the province of the parents or religious teachers of the children — not that of the Legislature. And he felt convinced that unless this question was now settled and their Common School system were placed on a broad, national basis — it would be found that the agitation was only commencing, and the difficulties would increase. This increase would be brought about in this way. The fund for the education of children in Canada was increasing. One million and a half of acres had been appropriated for educational purposes, and in proportion as the revenue derived from these

lands increases, the disposition to appropriate it to sectarian purposes will also increase. Hence the necessity for at once placing their school system on a proper basis, in order to do away with the continual jarring which was now in existence, and would exist until they struck at the root of the evil. He deprecated interference with any man's religious views; for these he was responsible to God alone. And he hoped that as the Legislature had already enunciated the principle of separation between Church of [sic] State, he trusted they would abstain from recognising the [sectarian] principle in their school system. (Hear.) He should say he was rather unprepared to hear the threats, which had been hurled against the hon. gentlemen from Lower Canada in order to prevent their voting for the motion of the hon. member for Lambton. He felt quite sure, however, that such a threat would be disregarded, and that the hon. gentlemen would vote according to the dictates of their conscience. His own views on the question were that separate schools ought not to be established, except where difference of language rendered it imperative — as in Lower Canada. — And he believed he would be supported in these views, by a majority in that House, both from Upper and Lower Canada.²⁵⁴

MR. NILES thought that the motion of the hon. member for Quebec should be resisted. It was but fair that their constituents should know the opinion they held on this question. He preferred coming to a direct vote, and desired that the opinion he gave on this occasion by his vote should go before his constituents; and when it did he had no doubt that the result would be far different from that which had been threatened by the hon. member for Lotbinière. All parties had most undoubtedly a right to have their children instructed in their own religious opinions; but it became a far different question when the State was asked to support these parties in thus educating their children. What did they find where sectarian education existed in the Province? Strife and hatred were engendered by the system, and loss of life had resulted. Former friends were arrayed against each other in the most bitter strife. And were they going to perpetuate such a system to the imminent risk of the country? If they done [sic] so the result would be that they should strike at the root of all grants to education. (Hear, hear.) He hoped, however, that the House would avert such a national calamity, by declaring itself opposed to separate schools.²⁵⁵

MR. TURCOTTE supported ... Separate Schools.²⁵⁶

MR. FELLOWES thought that a direct motion ought to be come to, on the motion of the hon. member for Lambton. Had he been in the House he would have voted against all amendments proposed on it. He thought that as State aid for sectarianism had been abolished in the pulpit, it ought to be abolished in the schools. They need not look to other countries for an example of the consequences of separate schools, for they had one in their own in the case of the Tiernay tragedy. It was incorrect to say that all Roman Catholics were opposed to common schools; for he had many Roman Catholic constituents who were in favor of them.²⁵⁷

MR. BROWN, before the question was put, wished to know what position the Government held in regard to the amendment of Mr. Chabot.²⁵⁸ The Solicitor General had just stated that the Government would not take advantage of the motion of the hon. member for Quebec.²⁵⁹ [He wished to know] whether the view expressed by the Solicitor General was the view of the Government. Would the Attorney General explain?²⁶⁰

MR. AT. GEN. CARTIER. — You may go on with the discussion.²⁶¹

MR. BROWN. — The hon. gentleman pursues the ordinary course of the present Administration. They give the house as little information as they possibly can, that a loop-hole of escape may be left them for future emergencies. (Hear, hear.) The Solicitor General has made a statement seriously affecting the position of the question before the house, and the least we can expect from the government is that they shall inform us whether he expressed their views. If he did not, then we are entitled to hear from them

what their views are. (Hear, hear.) The Solicitor General took a very proper view of the motion of the member for Quebec. He admitted that this was a great national question²⁶², one which has agitated Upper Canada for a long time²⁶³; one on which parties are clearly arrayed; and that direct issue should be taken on it at once. Hon. gentlemen from Lower Canada will observe that, among the members from Upper Canada, there is little or no difference on the theory of this question. True, hon. gentlemen may be found who tell us, that while they oppose Sectarian Schools in the abstract, yet that political expediency requires the concession; and they vote down their own principles. But I say confidently that you will not find five members of this house, from Upper Canada, who will declare their personal opinions to be in favour of Separate Schools. The mind of the country is clear and decided on the subject. If the evasive motion of the member for Quebec should be carried, it must be looked upon as a direct defeat of the government; for it would show that they have not sufficient strength in the house to meet the question. Once already this session they evaded this question by throwing it over for five weeks, on the motion of a member from Lower Canada. Those weeks have passed away, and again it is before us; and will they again attempt to put it off, in the face of the earnest and numerous declarations which have been since made by the country against Separate Schools?²⁶⁴

MR. AT. GEN. J.A. MACDONALD. — The member for Quebec said, some time ago, that he was to ask leave to withdraw his motion. There will be no attempt to postpone the question.²⁶⁵

MR. BROWN. — The Attorney General East would have shown more courtesy, had he made ... that statement, when I put it to him before.²⁶⁶

MR. AT. GEN. CARTIER. — I am charged with a want of courtesy. But, if the hon. gentleman had put the question whether the Government had anything to do with the motion of the member for Quebec, I would have informed him that so soon as the member for Quebec made the motion, I went to him and begged him to withdraw it.²⁶⁷

MR. BROWN. — If the hon. gentleman had stated that, it would have ended the matter. I am very glad that the Government will vote down this motion; by their doing so, we shall have the question put distinctly before the house — Separate Schools or no Separate Schools. (Hear, hear.) My motion proposes that we shall abolish Separate Schools altogether; Mr. Felton's amendment proposes that we shall introduce into Upper Canada the Lower Canada sectarian system. The issue is fairly before us — which of the two systems shall we adopt? The member for Wolfe said the system in Lower Canada was not sectarian. To prove that he is wrong in this, I will take no private authority, although I could find ample evidence from newspapers, speeches, and other such sources; but I will refer him to the last report of the Superintendent of Education for Lower Canada, dated 28th April, 1855, for a full reply to his assertion. Having quoted from this report²⁶⁸ some extracts ... making special reference to the religious department of the Common School Education and the catechism used,²⁶⁹ to show that both the Elementary and Normal School systems of Lower Canada were thoroughly sectarian, Mr. Brown read another extract from the same report, to the effect that in one of the School Districts of Lower Canada, out of 50 school Commissioners, only one knew the elements of education taught in the elementary schools, the remaining 49 being altogether illiterate. (Hear, hear.) Was that a system which it was desirable to introduce into Upper Canada? (Hear, hear.)²⁷⁰

MR. FELTON. — Is that sectarian — that the school Commissioners are not able to read?²⁷¹

MR. BROWN. — It is the effect of the sectarian system. (Hear, hear.) I do not believe that in the whole of Upper Canada you will find any School Trustees unable to read and write; it is only under the sectarian system that fifty school commissioners could be found in one section with only one among them who cannot be pronounced illiterate.²⁷² He (Mr. Brown) did not think this was the system wanted

in Upper Canada — any system must be tried by its fruits, and if they would test this system as exemplified in the report of the Superintendent with the Upper Canada system, as exhibited in the reports of Dr. Ryerson, they would find a very great difference indeed.²⁷³ Yet that is the system we are asked to import here! But the hon. gentleman says it is only fair to the Roman Catholics of Upper Canada to give them the same privileges that are extended to the Protestants of Lower Canada. Now, if it were true that our system was like theirs, if we had in our Common Schools a system of Protestant prayers, a Protestant catechism, a purely Protestant system of teaching as opposed to the Roman Catholic; if we instilled peculiar religious views into the teachings of the Common Schools of Upper Canada, then the proposition of the hon. gentleman might have some force or justice in it. But when it is considered that our system in Upper Canada is purely secular, that all classes and creeds here are placed on the same level — that we profess not to interfere with the religious belief of any child or the parent of any child — the wide difference between the cases will at once be perceived. Under their sectarian system, Separate Schools are an absolute necessity — under our secular system there is no such necessity — for all classes stand on the same ground under it — all are protected. Let the Lower Canadians adopt our school system, and they will find that we are quite prepared to put the Protestants there on the same footing as we desire the Catholics to occupy in Upper Canada. (Hear, hear.) But it is a very different thing to have the sectarian system of Lower Canada, with all its evils, forced upon Upper Canada by Lower Canada votes. (Hear, hear.) In the course of the debate a good deal has been said reflecting on me for urging this question on the house, and as to an alleged agitation got up by members on this side for political purposes [sic]. Now, sir, nothing could be more unjust. It is not we who have forced this question on the country. We have been acting on the defensive from first to last; the whole agitation has been got up by the Roman Catholic Church — (hear, hear,) and not by the people of that Church, but by its hierarchy. (Hear, hear.) The first time the question was brought up prominently in this country, was in 1850; and who was it then who commenced the agitation? The Roman Catholic Bishop, and the Roman Catholic Vicar-General of Kingston, these were the parties who commenced the agitation — they have kept it up — they have forced it on their people — and to this moment the Roman Catholic Laity of Upper Canada [sic] are not in favour of the Separate School system. — Where are the petitions for the Bill of the member for Toronto introduced this session?²⁷⁴ There was no petition in favor of Separate Schools from Upper Canada. (Yes.) How many?²⁷⁵

MR. BOWES. — One or two.²⁷⁶

MR. BROWN. — One or two! And how many petitions have been presented, signed by Roman Catholics as well as Protestants, against Separate Schools? I will not venture to name a number — but from what I have seen of them, I have little doubt that the petitions of this session had little short of 30,000 signatures attached to them. — And yet, forsooth, we are told that we have been acting entirely on the defensive — we have sought merely to protect our noble school system against the aggressions of its sworn foes. Session after session we have had to resist applications for the further extension of the Separate School system; every new concession has just proved a new argument for further aggression; and no friend of the National Schools can fail to see that the Roman priesthood will never cease their machinations until their full demands have been conceded, and the whole system destroyed — for that is the direct end of their demands. To save our national school system from destruction, we are forced to be ever on the alert; and if we carry the war into Africa, we take the only course that is open to us. From the Bill brought in by Col. Tache, and attempted to be forced through in the last days of last session, we found clearly what the priests want. Had that Bill been passed as it was introduced, it would have utterly destroyed our whole school system; and I appeal to hon. gentlemen from Upper Canada whether the debate this evening has not shown that the firm course we have taken on this question, from the first, was not the only right one? Can they deny that the question has made great progress since we last discussed it? I ask hon. gentlemen who have been constantly saying that they had to yield upon this question to conciliate the Lower Canadians, to reflect upon what has been the result of the firm stand we took last session. Would Col. Tache

have dared, this session, to introduce a Bill similar to that of last year? Have we ever before heard the Solicitor General rising and telling his Lower Canada allies, as he did to-night, that he would resist all further extension of the separate system? When did we ever hear the Attorney General telling the house, as he told the member for Shefford this evening, that rather than yield to the motion of Mr. Felton, he would go with the member for Lambton and sweep Separate Schools away altogether? Had these gentlemen and their friends spoken thus long ago, and acted up to it, members from Lower Canada would never have dared to assail our school system in the way they have done so persistently. It has been entirely due to the subserviency of hon. gentlemen from Upper Canada, that the matter has been forced on us session after session in direct hostility to the public opinion of Upper Canada. I have one word to say to the member for Wolfe. He will allow me to say that he may learn a lesson from what fell from the hon. member for Maskinonge to-night. The hon. gentleman [Mr. Felton] is a Protestant, but he has made himself the mouthpiece of the Roman Catholic Church in this city, and I have no doubt he has fairly represented their views²⁷⁷; [but] the hon. gentleman has put himself in a position which he ought not to have assumed.²⁷⁸ What does the hon. gentleman get in return? Did he hear the member for Maskinonge tell him that the Roman Catholics did not thank him for his trouble — they did not regard him as entitled to speak for them? That was the return he got for his services, and that is the return which men always get when they sacrifice their principles for the sake of conciliating those who are opposed to us.²⁷⁹

MR. FELTON. — Does the hon. member for Lambton mean to say that I sacrificed my principles?²⁸⁰

MR. BROWN. — If I understood the hon. gentleman correctly, he said that if my views could be carried out, if one National School system could be obtained, in which the faith of every child would be protected, that would be precisely the system he would desire. If these are the views of the hon. gentleman, I say he is acting directly contrary to his principles. One other point, and I have done. The member for Lotbiniere (Mr. O'Farrell) gave us to-night a piece of information. We all know that a general election cannot be far off, — and most of us believe the sooner it comes the better — and what did the hon. member tell us in regard to it? Why, that at the coming elections, the Roman Catholic vote is to be rallied to the polls on this Sectarian School question, and that every nerve would be strained to keep out of the next Parliament every member who has voted against Separate Schools this session. (Hear, hear.) I admit it was hardly necessary for the hon. gentleman to give us this information.²⁸¹ We in Upper Canada are quite prepared for that.²⁸² We all know very well the alliance that has been formed between the ultramontane Roman Catholic party and the present Government. (Hear, hear.) And no doubt they will sustain one another. But I tell the honourable gentleman and his ministerial allies that nothing could do more to subserve the cause I advocate than the statement which has [sic] been made by the hon. gentleman to-night. — Fore-warned, fore-armed. (Hear, hear.) I tell the hon. gentleman there is not one county in Upper Canada, where any candidate who takes up boldly the questions of Secular Education and Representation by Population, need dread for one moment all the opposition that the Roman Catholics can bring against him. — (Cheers.) I can tell the member for Lotbiniere, that if, as he says, the issue of the next election shall be, whether the National School system shall be maintained in its integrity, or whether we shall yield to the dictation of the Roman Catholic priesthood — the result will be the most triumphant victory for this side of the house, that the political history of this country has yet recorded. (Ironical cheers.) Honourable gentlemen will find that I speak the truth — and neither the Attorney General nor the Solicitor General will join in those cheers. (Hear, hear.) Those cheers do not proceed from Upper Canadians. The question has now come to this, whether Lower Canada shall force Upper Canada to adopt her Sectarian School system — that system which has borne such bitter fruit in the country whence it comes. (Hear, hear.) There has not been a division during the present Parliament on this question, which has not shown an Upper Canada majority in favour of the principle of my motion, and the same thing will be seen to-night. (Hear, hear.) We are constantly assailed because we interfere with Lower Canadian affairs, and yet our friends from below do not hesitate to attack us on our most

tender point — but systematically attempt to destroy in Upper Canada a school system supported unanimously by the people. The hon. gentlemen, by the subserviency of a few Upper Canadians, have the majority for the present, and all we can do is to submit; but I can tell the hon. gentlemen opposite that this will not be the case always — that the day is coming, and not far distant, when Upper Canada will no longer submit to be wronged by the treachery of her Representatives. (Hear, hear.)²⁸³

MR. FERRES regretted the fundamental tone of the last speaker. If the same sort of language were used by Lower Canadians against the Protestant minority there would be the next thing to a rebellion in the country. He regretted that such language had been used by any member of this House. The hon. gentleman went on at some length to condemn the injurious course pursued by Upper Canadian members towards the Catholic minority of Upper Canada.²⁸⁴ [He] insisted that the Roman Catholic minority of Upper Canada were entitled to the privilege of separate education for their children.²⁸⁵

MR. RANKIN was sorry that he was not in the House when the Government suffered the defeat [on Mr. Spence's motion], for he would have come to their rescue on this point. He thought the motion of the Postmaster General would meet the wishes of the people of Upper Canada.²⁸⁶ He had objected to the Separate School Bill of last Session when it was brought forward. But now that [the] Bill had passed, he had heard nothing to convince him, that the Bill had been productive of evil results. He would want to see the Bill tested.²⁸⁷ The hon. gentleman then referred to the fact that if there was an agitation in the country on this question it was in consequence of inflammatory articles which appeared in certain papers, and speeches made by gentlemen for their own particular ends.²⁸⁸ He was not an agitator, nor did he think it was well to inflame the minds of the people by circulating petitions, by newspaper articles, and by resolutions written and printed in this very town. Upper Canada was divided into a number of Protestant sects, differing little, and had a Roman Catholic community which was in a minority, and he thought the best way for a true Christian to gain over that minority, would be by gentleness and persuasion. Had the hon. member for Lambton lived in the days of the Commonwealth²⁸⁹ [OR] in the days of the covenant he would have attained a distinction, which he could not attain to in these days.²⁹⁰ He had great respect for many opinions of the hon. member, and he thought that if he would bring forward his proposition for representation by population, without placing along with it other proposals, calculated to array great hostility against him, he would be much more likely to attain what he no doubt aspired to, the head of a government.²⁹¹ But he could never expect to be at the head of the Government if upon all occasions he endeavored to rouse the feelings of the country against their Roman Catholic brethren.²⁹² The hon. member (Mr. Rankin) then paid a tribute to the Roman Catholic clergy, who, he said, exercise a more wholesome influence over their flocks than the Protestant Clergy of any denomination, and he did not think it would be well to curtail that influence. He referred to the statement of the hon. member for Lambton, that the petitions had been signed by 30,000 people, which, he said, was a very small proportion of two millions, and would not justify them in changing the law, especially when those 30,000 had not taken steps to sign the petitions of their own free will.²⁹³

MR. SCATCHERD denied the statement of the hon. member for Essex that the feeling of the people of Upper Canada in reference to the Separate Schools had not been voluntary. He knew that in East and West Middlesex, and in North and South Oxford, the people had acted, in protesting against the Separate Schools, altogether of themselves.²⁹⁴

MR. POST. GEN. SPENCE said, he had intended to speak on this motion, but in consequence of the lateness of the hour he would not.²⁹⁵

After some further discussion²⁹⁶,

MR. CHABOT withdrew his amendment to postpone [the consideration of] the motion.²⁹⁷

MR. BUREAU moved a resolution, "That it would be expedient next session to enact that the Roman Catholic School have the same advantages, rights, and privileges in Upper Canada as they enjoy in Lower Canada."²⁹⁸

[The motion] was declared out of order.²⁹⁹

MR. HOLTON having moved an amendment to the original motion, withdrew it, and then moved the adjournment of the debate.³⁰⁰ [He] stated that they would either have to discuss the subject or adjourn. It was now 12 o'clock and he had not spoken. He did not intend to give a silent vote on so important a question.³⁰¹

MR. POST. GEN. SPENCE thought they ought to come to a vote on the original motion at once; and in this respect the Government desired to acquiesce with what he believed was the general feeling of the house.³⁰² He intended to have availed himself of his privilege to make a few remarks before the main motion was put, but out of deference to the wishes of the House he was content to vote without making any further remarks.³⁰³

The motion for adjournment was put and lost.³⁰⁴

(627) And the Question on the Amendment to the original Question being again proposed;
 And a further Debate arising thereupon;
 Mr. *Holton* moved, seconded by Mr. *Antoine Aimé Dorion*, and the Question being put,
 That the Debate be adjourned; the House divided: — And it passed in the Negative.
 And the Question on the Amendment to the original Question being again proposed;

MR. HOLTON made some observations, which were inaudible in the gallery, from the cries of "order," "vote," "vote." He concluded by moving that in the original motion [sic] all after the word "that" be struck out, and the following inserted: — "The School laws of Upper and Lower Canada be revised with a view of adopting a general system of education applicable to both sections, and founded upon a just appreciation of the interests of all classes."³⁰⁵

MR. AT. GEN. J.A. MACDONALD said that this amendment amounted to nothing at all.³⁰⁶

MR. MACKENZIE said that this motion reminded him of the time when General Jackson was a candidate for the Presidency. Both the Protectionists and Free Traders wrote to him to know what was his opinion on the subject of import duties, when he answered that he was in favour of a judicious tariff. (Great laughter. Cries of question.)³⁰⁷

MR. MARCHILDON rose to express his sentiments, which were greeted by a variety of discordant sounds.³⁰⁸

MR. PAPIN said, in reference to what had fallen from Mr. Attorney General Macdonald, that the whole policy of the government amounted to nothing at all. They did nothing at all but remain *in statu quo*. (Question.)³⁰⁹

MR. SICOTTE the SPEAKER then put the motion of Mr. Holton³¹⁰.

(627) Mr. *Holton* moved in amendment thereunto, seconded by Mr. *Antoine Aimé Dorion*, That the words "it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools on less favorable conditions to the *Roman Catholic* population of *Upper Canada* than are now enjoyed by the *Protestant* population of *Lower Canada* under the Common School Acts of the latter Section of the Province,

and to make such provision in reference to Separate Schools as will place the *Roman Catholic* minority of *Upper Canada* relatively to the Protestant majority, precisely in the position which the Protestant minority of *Lower Canada* now do or hereafter may hold in reference to the *Roman Catholic* majority" be left out, and the words "the School Laws of both *Upper* and *Lower Canada* ought to be revised with a view to the adoption of a general system of Common School Education, applicable to both Sections of the Province, and founded on a just appreciation of the rights and feelings of all classes" inserted instead thereof;

And the Qu[est]ion being put on the said Amendment; the House divided: — And it passed in the Negative.

The question was then put on Mr. Felton's amendment.³¹¹

(627) And the Question being put on the Amendment to the original Question; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bourassa, Bureau, Casault, Chapais, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Drummond, Felton, Huot, Jobin, Labelle, Loranger, Roderick McDonald, Marchildon, Papin, Rhodes, Southwick, Taché, Thibaudeau, and Valois.* — (22.)

(627-628)

NAYS.

Messieurs *Aikins, Alleyn, Bell, Bellingham, Biggar, Bowes, Brown, Attorney General Cartier, Cauchon, Cayley, Chabot, Chisholm, Christie, Church, Clarke, Conger, Cook, Crysler, Daly, Delong, Dionne, Dostaler, Evanturel, Fellowes, Fergusson, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Gamble, Gill, Guévremont, Hartman, Holton, Jackson, Laporte, Larwill, LeBoutillier, Lemieux, John S. Macdonald, Attorney General Macdonald, Mackenzie, McCann, Masson, Matheson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Murney, O'Farrell, Patrick, Polette, Poulin, Pouliot, Powell, Rankin, Robinson, Rolph, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Turcotte, Wright, and Yeilding.* — (73.)

So it passed in the Negative.

A division was next taken on Mr. Brown's motion³¹².

(628) Then the main Question being put, That it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools, and to place all the National Common Schools under one uniform system of superintendence and instruction, in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Chisholm, Christie, Conger, Cook, Delong, Fellowes, Fergusson, Foley, Frazer, Freeman, Gamble, Hartman, Jackson, John S. Macdonald, Mackenzie, Matheson, Mattice, Munro, Murney, Patrick, Powell, Robinson, Rolph, Scatcherd, Supple, Wright, and Yeilding.* — (31.)

NAYS.

Messieurs *Alleyn, Bellingham, Bourassa, Bowes, Bureau, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Crysler, Daly, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Drummond, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Huot, Jobin, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Meagher, Mongenais, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Rankin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Valois.* — (64.)

So it passed in the Negative.³¹³

Then, on motion of Mr. *Masson*, seconded by Mr. *Laporte*,
The House adjourned.³¹⁴

Appendix

[POSTPONED MOTION RE: L'UNION ST. JOSEPH DE MONTREAL BILL.]

[The Order of the day was called for the] third reading of [the] Bill to incorporate L'Union St. Joseph de Montreal³¹⁵.

MR. A. DORION said he wished his Bill to be read a third time, that it might go up along with Mr. Drummond's general measure to the upper house. If the general Bill became law, his might be dropped.³¹⁶

MR. AT. GEN. J.A. MACDONALD said that the house only had control over its own measures, and must act in reference to what they did themselves.³¹⁷

MR. A. DORION consented to allow the order to stand.³¹⁸

[POSTPONED MOTION RE: CORNWALL RECTORY BILL.]

MR. CHISHOLM moved the third reading of a Bill to authorize the Sale of a Glebe Lot, by the Rector of Cornwall.³¹⁹

MR. BROWN said the Bill was intended to convey 64 acres of valuable Rectory Land to the Grand Trunk, and it was provided that the proceeds should be left subject to the future decision of the law courts, in the same way as the lands themselves would have been. He desired a clause to be added, subjecting them in the same manner to the future legislation of Parliament.³²⁰

MR. AT. GEN. J.A. MACDONALD ... expressed his willingness to meet this view³²¹.

The third reading of the bill was postponed till to-morrow, to allow the wording of the proposed clause to be agreed upon.³²²

Footnotes

1. *Globe*, 13 June 1856.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Toronto Daily Leader*, 13 June 1856.
8. *Globe*, 13 June 1856.

9. *Globe*, 13 June 1856.
10. *Toronto Daily Leader*, 13 June 1856.
11. *Globe*, 13 June 1856.
12. *Toronto Daily Leader*, 13 June 1856.
13. *Ibid.*
14. *Globe*, 13 June 1856.
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Toronto Daily Leader*, 13 June 1856.
20. *Globe*, 13 June 1856.
21. *Toronto Daily Leader*, 13 June 1856.
22. *Globe*, 13 June 1856.
23. *Toronto Daily Leader*, 13 June 1856.
24. *Globe*, 13 June 1856.
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Toronto Daily Leader*, 13 June 1856.
32. *Globe*, 13 June 1856.
33. *Toronto Daily Leader*, 13 June 1856.
34. *Globe*, 13 June 1856.
35. *Ibid.*
36. *Toronto Daily Leader*, 13 June 1856.
37. *Globe*, 13 June 1856.
38. *Ibid.*
39. *Toronto Daily Leader*, 13 June 1856.
40. *Globe*, 13 June 1856.
41. *Ibid.*
42. *Toronto Daily Leader*, 13 June 1856.
43. *Globe*, 13 June 1856.
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Toronto Daily Leader*, 13 June 1856.
50. *Globe*, 13 June 1856.
51. *Toronto Daily Leader*, 13 June 1856.
52. *Ibid.*
53. *Globe*, 14 June 1856.
54. *Ibid.*
55. *Ibid.*
56. *Ibid.*
57. *Ibid.*
58. *Ibid.*
59. *Ibid.*
60. *Toronto Daily Leader*, 13 June 1856. The proceedings on this Bill were reconstituted following the order of motions and speeches reported in *Globe*, 14 June 1856, which varies slightly from the *Toronto Daily Leader*.
61. *Globe*, 14 June 1856.
62. *Ibid.*
63. *Ibid.*

64. *Toronto Daily Leader*, 13 June 1856. According to this account, Mr. A. Dorion may have spoken before the bill was read a third time, as he is reported to have "opposed the third reading".
65. *Toronto Daily Leader*, 13 June 1856.
66. *Globe*, 14 June 1856. *Toronto Daily Leader*, 13 June 1856, does not report these speeches but mentions that there was "some further conversation".
67. *Globe*, 14 June 1856.
68. *Ibid.*
69. *Ibid.*
70. *Ibid.*
71. *Ibid.*
72. *Toronto Daily Leader*, 13 June 1856. Several newspapers report conflicting information regarding Mr. Felton's amendment. *Toronto Daily Leader*, 13 June 1856, reports that Mr. Sicotte "ruled the motion out of order", whereas *Globe*, 14 June 1856, reports that the amendment was "negatived without a division". *Niagara Mail*, 18 June 1856, and *Perth Courier*, 20 June 1856, both report that "an amendment to exclude secret and political societies from the operation of the bill, was lost by a majority of 57 to 19." This information appears erroneous, as the numbers given correspond to the vote on the passing of the Bill. Furthermore, the *Journals* do not contain any information regarding Mr. Felton's amendment. The motion must therefore have been ruled out of order, or else it was withdrawn by Mr. Felton himself.
73. *Globe*, 14 June 1856.
74. *Ibid.*
75. *Ibid.*
76. *Toronto Daily Leader*, 13 June 1856.
77. *Ibid.*
78. *Ibid.*
79. *Globe*, 14 June 1856.
80. *Toronto Daily Leader*, 13 June 1856.
81. *Globe*, 14 June 1856.
82. *Ibid.*
83. *Ibid.*
84. *Toronto Daily Leader*, 13 June 1856.
85. *Globe*, 14 June 1856.
86. *Toronto Daily Leader*, 13 June 1856.
87. *Globe*, 14 June 1856.
88. *Toronto Daily Leader*, 13 June 1856.
89. *Globe*, 14 June 1856.
90. *Toronto Daily Leader*, 13 June 1856.
91. *Globe*, 14 June 1856.
92. *Toronto Daily Leader*, 13 June 1856.
93. *Globe*, 14 June 1856.
94. *Ibid.*
95. *Ibid.*
96. *Ibid.*
97. *Ibid.*
98. *Toronto Daily Leader*, 13 June 1856.
99. *Globe*, 14 June 1856.
100. *Ibid.*
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*
105. *Toronto Daily Leader*, 13 June 1856.
106. *Globe*, 14 June 1856.
107. *Toronto Daily Leader*, 13 June 1856.
108. *Globe*, 14 June 1856.
109. *Toronto Daily Leader*, 13 June 1856.
110. *Globe*, 14 June 1856.
111. *Toronto Daily Leader*, 13 June 1856.

112. *Globe*, 14 June 1856.
113. *Toronto Daily Leader*, 13 June 1856.
114. *Globe*, 14 June 1856.
115. *Toronto Daily Leader*, 13 June 1856.
116. *Globe*, 14 June 1856.
117. *Toronto Daily Leader*, 13 June 1856.
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Toronto Daily Leader*, 13 June 1856. The ellipsis is replicated as it appears in this source.
122. *Globe*, 14 June 1856.
123. *Toronto Daily Leader*, 13 June 1856.
124. *Globe*, 14 June 1856.
125. *Ibid.*
126. *Toronto Daily Leader*, 13 June 1856.
127. *Globe*, 14 June 1856.
128. *Toronto Daily Leader*, 13 June 1856.
129. *Globe*, 14 June 1856.
130. *Toronto Daily Leader*, 13 June 1856.
131. *Globe*, 14 June 1856.
132. *Toronto Daily Leader*, 13 June 1856.
133. *Globe*, 14 June 1856.
134. *Toronto Daily Leader*, 13 June 1856.
135. *Globe*, 14 June 1856.
136. *Toronto Daily Leader*, 13 June 1856.
137. *Ibid.*
138. *Ibid.*
139. *Ibid.*
140. *Ibid.*
141. *Globe*, 14 June 1856.
142. *Ibid.*
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*
146. *Ibid.*
147. *Ibid.*
148. *Ibid.*
149. *Ibid.*
150. *Toronto Daily Leader*, 13 June 1856.
151. *Ibid.*
152. *Ibid.*
153. *Ibid.*
154. *Ibid.*
155. *Ibid.*
156. *Globe*, 14 June 1856.
157. *Toronto Daily Leader*, 13 June 1856.
158. *Globe*, 14 June 1856.
159. *Ibid.*
160. *Toronto Daily Leader*, 13 June 1856.
161. *Globe*, 14 June 1856.
162. *Ibid.*
163. *Ibid.*
164. *Toronto Daily Leader*, 13 June 1856.
165. *Globe*, 14 June 1856.
166. *Ibid.*
167. *Toronto Daily Leader*, 13 June 1856.

168. *Globe*, 14 June 1856.
169. *Ibid.*
170. *Toronto Daily Leader*, 13 June 1856.
171. *Globe*, 14 June 1856.
172. *Ibid.*
173. *Globe*, 13 June 1856, reports the following comment regarding this division: "Mr. Spence and his colleagues found themselves in the unpleasant position of a minority of six in the whole house, the Upper Canadian majority against them being seven. There was a cry from some members of the Opposition for an adjournment after the vote was announced, but ministers treated the idea that a majority of six against them was anything out of the way, with great scorn." *Western Planet*, 25 June 1856, also notes in a short commentary, that "on the announcement of the result, the opposition set up a loud shout of triumph, and called for an adjournment, but Ministers pursued [sic] the even tenor of their way, and went on quietly with business as if nothing had happened."
- Other commentaries on the result of the division are reported in *Toronto Daily Leader*, 13 June 1856, *Le Pays*, 17 June 1856, and *Perth Courier*, 20 June 1856. *Hamilton Spectator Semi-Weekly*, 14 June 1856, and *Mackenzie's Weekly Message*, 20 June 1856, also provide additional information on the vote.
174. *Globe*, 14 June 1856.
175. *Ibid.*
176. *Ibid.*
177. *Ibid.*
178. *Ibid.*
179. *Ibid.*
180. *Ibid.*
181. *Toronto Daily Leader*, 13 June 1856. *Globe*, 14 June 1856, reports a statement which differs somewhat, as follows: "He (Mr. Felton) had been branded by the Hon. Commissioner in his newspaper, as an enemy to religious liberty; but the division lost to-night would show whether he or the Hon. Commissioner had more right to that title."
182. *Toronto Daily Leader*, 13 June 1856.
183. *Globe*, 14 June 1856.
184. *Toronto Daily Leader*, 13 June 1856.
185. *Globe*, 14 June 1856.
186. *Ibid.*
187. *Ibid.*
188. *Toronto Daily Leader*, 13 June 1856.
189. *Globe*, 14 June 1856.
190. *Toronto Daily Leader*, 13 June 1856.
191. *Globe*, 14 June 1856.
192. *Toronto Daily Leader*, 13 June 1856. *Hamilton Spectator Semi-Weekly*, 14 June 1856, reports the following comment from the *Colonist* regarding this part of the debate: "The effect [of the Government's defeat] upon the House and the gallery was electrical; and was increased when Mr. Cauchon rose, and in a violent and eloquent speech, denounced the folly of members from Lower Canada who supported Mr. Felton's motion contrary to his (Cauchon's) advice, and were thus helping to forward the views of the member for Lambton."
193. *Toronto Daily Leader*, 13 June 1856.
194. *Ibid.*
195. *Globe*, 14 June 1856. *Hamilton Spectator Semi-Weekly*, 14 June 1856, notes that Mr. Felton "accused the Commissioner of Crown Lands of having sacrificed his own views and those of his friends for the sake of conciliating their opponents." *Telgraph (Montreal Gazette)*, 13 June 1856) reports that the House was the scene of "a warm conversation between Messrs. Felton and Cauchon."
196. *Toronto Daily Leader*, 13 June 1856.
197. *Globe*, 14 June 1856.
198. *Toronto Daily Leader*, 13 June 1856.
199. *Globe*, 14 June 1856.
200. *Toronto Daily Leader*, 13 June 1856. *Globe*, 14 June 1856, reports a corresponding statement which is somewhat different, as follows: "The hon. Commissioner had put a very low price upon his honor, in supposing that he would sacrifice it to join a Government which had in so short a time been twice defeated — once by a majority of 4, and once by a majority of 6." The excerpt reported in the *Toronto Daily Leader* appears to be more accurate in regard to the position of the new Administration.
201. *Globe*, 14 June 1856.

202. *Globe*, 14 June 1856.
203. *Toronto Daily Leader*, 13 June 1856.
204. *Globe*, 14 June 1856.
205. *Ibid.*
206. *Ibid.*
207. *Toronto Daily Leader*, 13 June 1856.
208. *Globe*, 14 June 1856.
209. *Toronto Daily Leader*, 13 June 1856.
210. *Globe*, 14 June 1856.
211. *Ibid.*
212. *Ibid.*
213. *Toronto Daily Leader*, 13 June 1856.
214. *Ibid.*
215. *Globe*, 14 June 1856.
216. *Toronto Daily Leader*, 13 June 1856.
217. *Globe*, 14 June 1856.
218. *Toronto Daily Leader*, 13 June 1856.
219. *Globe*, 14 June 1856.
220. *Ibid.*
221. *Ibid.*
222. *Toronto Daily Leader*, 13 June 1856.
223. *Ibid.*
224. *Ibid.*
225. *Globe*, 14 June 1856.
226. *Toronto Daily Leader*, 13 June 1856.
227. *Globe*, 14 June 1856.
228. *Toronto Daily Leader*, 13 June 1856.
229. *Globe*, 14 June 1856.
230. *Ibid.*
231. *Toronto Daily Leader*, 13 June 1856.
232. *Globe*, 14 June 1856.
233. *Toronto Daily Leader*, 13 June 1856.
234. *Globe*, 14 June 1856.
235. *Toronto Daily Leader*, 13 June 1856.
236. *Globe*, 14 June 1856.
237. *Toronto Daily Leader*, 13 June 1856. *Perth Courier*, 20 June 1856, reports the following summary of this speech: "Mr. O'Farrell advocated the same views [as the Solicitor General West], and said the Roman Catholics would be ready to support those Protestants in Upper Canada, who desired Separate Schools for themselves, whenever they could secure a majority at the polls. Every member of the Opposition from Upper Canada, except Dr. McDonald, had voted against Separate Schools, and surely Lower Canadians would not throw themselves into such hands."
238. *Toronto Daily Leader*, 13 June 1856.
239. *Globe*, 14 June 1856.
240. *Toronto Daily Leader*, 13 June 1856.
241. *Globe*, 14 June 1856.
242. *Toronto Daily Leader*, 13 June 1856.
243. *Globe*, 14 June 1856.
244. *Ibid.*
245. *Toronto Daily Leader*, 13 June 1856.
246. *Globe*, 14 June 1856.
247. *Toronto Daily Leader*, 13 June 1856.
248. *Globe*, 14 June 1856.
249. *Toronto Daily Leader*, 13 June 1856.
250. *Globe*, 14 June 1856.
251. *Globe*, 14 June 1856. This source mistakenly attributes the speech to Dr. T. Fortier, whereas *Niagara Mail*, 18 June 1856, reports the accurate information.
252. *Globe*, 14 June 1856.

253. *Toronto Daily Leader*, 13 June 1856.
254. *Ibid.*
255. *Ibid.*
256. *Niagara Mail*, 18 June 1856.
257. *Globe*, 14 June 1856.
258. *Ibid.*
259. *Toronto Daily Leader*, 14 June 1856.
260. *Globe*, 14 June 1856.
261. *Ibid.*
262. *Ibid.*
263. *Toronto Daily Leader*, 14 June 1856.
264. *Globe*, 14 June 1856.
265. *Ibid.*
266. *Ibid.*
267. *Ibid.*
268. *Ibid.*
269. *Toronto Daily Leader*, 14 June 1856.
270. *Globe*, 14 June 1856.
271. *Ibid.*
272. *Ibid.*
273. *Toronto Daily Leader*, 14 June 1856.
274. *Globe*, 14 June 1856.
275. *Toronto Daily Leader*, 14 June 1856.
276. *Globe*, 14 June 1856.
277. *Ibid.*
278. *Toronto Daily Leader*, 14 June 1856.
279. *Globe*, 14 June 1856.
280. *Ibid.*
281. *Ibid.*
282. *Toronto Daily Leader*, 14 June 1856.
283. *Globe*, 14 June 1856.
284. *Toronto Daily Leader*, 14 June 1856.
285. *Globe*, 14 June 1856.
286. *Toronto Daily Leader*, 14 June 1856.
287. *Globe*, 14 June 1856.
288. *Toronto Daily Leader*, 14 June 1856.
289. *Globe*, 14 June 1856.
290. *Toronto Daily Leader*, 14 June 1856.
291. *Globe*, 14 June 1856.
292. *Toronto Daily Leader*, 14 June 1856.
293. *Globe*, 14 June 1856.
294. *Ibid.*
295. *Ibid.*
296. *Toronto Daily Leader*, 14 June 1856.
297. *Perth Courier*, 20 June 1856.
298. *Globe*, 14 June 1856.
299. *Perth Courier*, 20 June 1856.
300. *Globe*, 14 June 1856.
301. *Toronto Daily Leader*, 14 June 1856. This newspaper mistakenly attributes this statement and the motion for adjournment to Mr. Felton.
302. *Globe*, 14 June 1856.
303. *Toronto Daily Leader*, 14 June 1856.
304. *Globe*, 14 June 1856.
305. *Ibid.*
306. *Ibid.*
307. *Ibid.*

308. *Globe*, 14 June 1856.

309. *Ibid.*

310. *Ibid.*

311. *Ibid.*

312. *Globe*, 14 June 1856. *Mackenzie's Weekly Message*, 20 June 1856, reports that "the vote was taken at midnight".

313. *Hamilton Spectator Semi-Weekly*, 14 June 1856, *La Minerve*, 19 June 1856, and *Perth Courier*, 20 June 1856, all differ from the *Journals* and report that Mr. Guévremont voted in favour of the motion. This information, however, appears to be incorrect.

Commentaries on this division are reported in *Globe*, 13 June 1856, *Hamilton Spectator Semi-Weekly*, 14 June 1856, *Mackenzie's Weekly Message*, 20 June 1856, and *Perth Courier*, 20 June 1856.

314. *Globe*, 14 June 1856, reports that the House adjourned "at half past twelve", and *Perth Courier*, 20 June 1856, that it adjourned "at a quarter to one o'clock".

315. *Globe*, 14 June 1856. According to this report, this was the first item on the Orders of the day.

316. *Globe*, 14 June 1856.

317. *Ibid.*

318. *Ibid.*

319. *Ibid.*

320. *Ibid.*

321. *Ibid.*

322. *Ibid.*

FRIDAY, 13 JUNE 1856

(628)

PURSUANT to the Order of the day, the following Petition was read: —

Of *William Fitch* and others, of the Counties of *Welland, Lincoln, and Haldimand*; praying for the passing of an Act to enable them to carry on the business of Banking, under the name of the Bank of *Western Canada*.

(629)

Mr. *Polette*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-second Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill for incorporating and granting certain powers to the *Canadian Loan and Investment Company*, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill for incorporating and granting certain powers to the *Canadian Loan and Investment Company*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Hartman* reported, That the Committee had gone through the Bill, and made amendments thereunto.

And the Question being put, That the Report be now received; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bellingham, Biggar, Bourassa, Bowes, Bureau, Casault, Cayley, Chabot, Chapais, Chisholm, Church, Crawford, Crysler, Jean B. Daoust, Darche, Delong, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Evanturel, Ferres, Foley, Thomas Fortier, Fournier, Gamble, Guévremont, Holton, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Matheson, Meagher, Mongenais, Papin, Poulin, Prévost, Rhodes, Scatcherd, Shaw, Solicitor General Smith, Somerville, Stevenson, Thibaudeau, Turcotte, Valois, and Yeilding*. — (54.)

NAYS.

Messieurs *Aikins, Hartman, and Munro*. — (3.)

So it was resolved in the Affirmative.

Mr. *Hartman* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

MR. MERRITT presented a report from the Select Committee, to whom was referred the petition of Robert Fleming Gourlay. The committee recommended that an Address be presented to His Excellency, asking him to extend a free pardon to Mr. Gourlay, who was cruelly and unjustly banished from the Province in 1819, for alleged seditious practices. As he supposed there would be no objection, he would move that the report be concurred in at once.¹

MR. AT. GEN. J.A. MACDONALD wished the motion postponed.²

After some conversation, the report was allowed to lie on the table.³

(629)

The Honorable Mr. *Merritt*, from the Select Committee to which was referred the Petition of *Robert Fleming Gourlay*, presented to the House the Report of the said Committee; which was read, as followeth: —

Your Committee have taken the matter of the Petition referred to them into their consideration, and beg leave to recommend that an humble Address be presented to His Excellency the Governor General, drawing His Excellency's attention to the recommendations contained in the Reports of Select Committees of Your Honorable House, in the years 1841 and 1842, in favor of the Petitioner, who was cruelly banished from the Province in 1819, for alleged seditious practices, and praying His Excellency to sanction the introduction of a Bill for the remission of the sentence, or to exercise the Royal clemency for restoring to him his political rights by a free pardon for the alleged offences for which he has been convicted under a Law which has since been repealed.

(630)

Mr. *Jobin*, from the Standing Committee on Contingencies, presented to the House the Eighth Report of the said Committee; which was read, as followeth: —

Your Committee have had under their consideration a Petition from *W.B. Ross*, and *H. Poetter*, Junior Clerks in the office of Your Honorable House, praying that an increase be made to their Salaries.

From the nature of their duties in connection with the Journals and daily proceedings of the House, and the testimony borne to the efficiency of their services by the Clerk of Your Honorable House, and also from the application being made by the sanction of Mr. Speaker, Your Committee recommend that the sum of Fifty pounds, each, be allowed in addition to their present Salaries, from the commencement of the current year.

Your Committee also recommend that the like amount be allowed to *Augustin Laperrière*, a Junior Clerk, employed in the Library of Your Honorable House.

Your Committee have also considered an application from Mr. *W.S. Hunter*, junior, that a number of copies of his Work, called "*Ottawa Scenery*," be purchased by Your Honorable House; they therefore recommend that fifty copies of the said work, at One pound five shillings per copy, be procured and deposited in the Library.

Ordered, That the said Report be printed for the use of the Members of this House.

On motion of Mr. *Gamble*, seconded by the Honorable Mr. *Merritt*,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to enable the Members of the United Church of *England and Ireland in Canada*, to meet in Synod," be now read for the first time.

The Bill was accordingly read the first time.

MR. GAMBLE then moved that the said Bill be read a second time, and that the rules of the house to the contrary be dispensed with.⁴

MR. HOLTON said it struck him that the Bill was giving the Synod legal powers to enforce their church discipline. Was not this somewhat inconsistent with the declaration of the Attorney General's Bill of last session, about destroying even all semblance of connection between Church and State?⁵

MR. AT. GEN. J.A. MACDONALD said that from the fact of this being a colony, the Church of England here was looked upon as part of the English establishment. Every other denomination could organize itself as it liked, but the laws of the land prevented the Church of England from doing so. Something therefore was necessary to relieve it from its disabilities. He had not supported the Address last session, because he thought the proper way to proceed was by Bill. He did not, however, oppose the Address as he considered the object a proper one, although the mode of proceeding was wrong. The view he had then taken was borne out by the despatches since received from the Home Government. In the first clause he would suggest that the words — "notwithstanding the rights of the Crown" — should be inserted, as the rights of the Crown would prevent free action, unless expressly excluded. Otherwise, he thought the Bill unobjectionable in every respect.⁶

MR. J.S. MACDONALD said that the statement of the Attorney General and the despatches received from the Home Government, justified in every respect the ground which the Opposition took

last year in reference to the Address. He thought it right that in such matters this country should legislate for itself.⁷

MR. GAMBLE said, it was most gratifying to him, and would be so to all the members of the Church of England, when they learned the unanimity of feeling with which this Bill had been received by the house. At present, they had no means of enforcing discipline, if charges were brought against any clergyman of impropriety of conduct — and the Bill was absolutely necessary. He considered the explanations of the Attorney General, of his reasons for not voting for the address last session, perfectly satisfactory.⁸

MR. BROWN was sure it must be seen now that the course taken in this matter by the Opposition last session was sound and correct, and that the charges made against members on that side, of hostility to the Church of England, were unfounded. There was nothing that could gratify him more than to find that the Church of England was now assuming that position which he and his friends on that side had always wished she should assume — the position of an independent, self-relying Church, standing, like all the other Churches of this country, as a voluntary establishment. After reading all the correspondence on the subject, it was difficult to come to any other conclusion, than that the difficulties felt were purely imaginary. But this Bill put the matter on the right ground — that if there was any connection with the English establishment, it should be done away with. The only point on which he felt difficulty, was in regard to the powers given to the Synod — whether the rights of the laity were sufficiently secured. But, from the recent published proceedings of the Synod, it appeared that the laity were sufficiently alive to a sense of the importance of upholding their own privileges.⁹

MR. MERRITT was glad that this Bill established a new precedent, recognizing our right to legislate on matters affecting ourselves. He hoped the same principle would be carried out in reference to trade.¹⁰

The Bill was read a second time without any opposition. It was then read a third time and passed¹¹, the words suggested by the Attorney General ... [being] inserted in the Bill¹².

MR. BROWN said the bill was likely to produce a harmony amongst religious denominations in Canada which had never existed before.¹³

MR. MERRITT considered it one of the most important bills which had been passed this Session. He was happy to see the unanimity with which it had been carried. He hoped to see the same unanimity upon all matters connected with the trade of the Province. This was a good precedent, seeing it was a question concerning religion. He hoped that liberality would extend to other matters in which the Province was deeply interested.¹⁴

(630) *Ordered*, That the Bill be now read a second time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time; and the Amendment following made to the Bill: —

Page 1, line 18. After “degree” insert “any rights of the Crown to the contrary notwithstanding.”

Resolved, That the Bill, with the Amendment, do pass.

Ordered, That Mr. *Gamble* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, with an Amendment, to which they desire their concurrence.

MR. SICOTTE the SPEAKER read a letter he had received from the Vice President of the Grand Trunk Railway, stating that as it was intended to open the railroad between Toronto and Stratford with

the least possible delay, and the portion from Toronto to Guelph being now in readiness, it had been resolved that the members of both houses be invited, through their Speaker, to accompany the Directors on Saturday next on an excursion to Guelph, the train to leave the Queen's Wharf at one o'clock.¹⁵

MR. SOL. GEN. H. SMITH hoped that the House would suspend its judgment as to receiving the invitation until the House met on Saturday.¹⁶

DR. MASSON thought it better for the house to sit on Saturday and finish the business of the country, instead of going on excursions.¹⁷

MR. CRAWFORD hoped that the House would accept the invitation of the Board of Directors, and go and see for themselves what was done; as some hon. gentlemen showed a lamentable ignorance as to the line. He hoped especially that Mr. J.S. Macdonald would accept the invitation, and accompany the excursionists on Saturday.¹⁸

MR. J.S. MACDONALD was very much obliged to the hon. gentleman for his anxiety for his welfare, and begged to thank him for his kindness, more especially as this was the first time that the hon. gentleman showed so laudable an anxiety.¹⁹

MR. DRUMMOND hoped that the House would accept at once the kind invitation of the Board of Directors.²⁰ [He] thought it would be much more to their advantage to learn the true position of this great undertaking, by devoting four or five hours to an examination of that portion of the line, than it would be to remain here for business, after they had been fagged out by a heavy week's work.²¹ Hon. gentlemen required a little recreation after being mewed up here during the week; they should therefore take this occasion to go to the country and get a mouthful of fresh air. If it were necessary, he would move that the invitation be accepted, and that the Speaker be instructed to convey the wishes of the House to the Board of Directors — that is, if the invitation were not unanimously accepted.²²

MR. HARTMAN pointed out the remarkable coincidence that it had happened on no fewer than three or four occasions, that excursions like this were proposed just at the time when Grand Trunk questions were before the house.²³ He would consent to go on one condition — that the House, come back, resumed, and voted yea or nay on the Grand Trunk question.²⁴

MR. HOLTON suggested that, as some hon. gentlemen did not like to accept the invitation on the score of losing time, the House should meet for business at ten o'clock in the morning, and when the members returned — probably at six o'clock — the members should meet at half-past seven o'clock, and sit for some hours.²⁵

Several gentlemen advocated the acceptance of the invitation, at the same time making sundry intimations of the good time they would enjoy, and the jollification that awaited them.²⁶

MR. FERRES therefore rose and expressed his wish to the Speaker that the Board of Directors would have no champagne, and that there would be a plain dinner provided for the members, for which each individual would pay fifty cents. He expressed an earnest wish that there would be no jollification.²⁷

MR. SICOTTE the SPEAKER put an end to this interesting discussion for the present, by stating that the best way to get the opinion of the House on the subject matter of debate would be for some hon. gentleman to move that the House should meet on to-morrow — when it could be discussed.²⁸

MR. SOL. GEN. H. SMITH moved pursuant to notice given, that when the House adjourns, it stands adjourned till Saturday at 11 o'clock, and to adjourn on that day at 6 o'clock. The hon. gentleman

said it was due to the House to say that when he gave notice he was not aware there was to be any invitation to Guelph, as had just been stated to the House.²⁹

MR. DRUMMOND moved in amendment that when the House adjourns, it meets again on Saturday at 10 o'clock, then to sit to one o'clock.³⁰

MR. PATRICK supported the amendment for several reasons. One was that he understood this portion of the road was constructed by Canadian contractors, and he would like to see how their work compared with that of others.³¹

Some remarks were then made as to the propriety of meeting on Saturday, to proceed with Private Bills.³²

The amendment was put and lost.³³

Mr. Solicitor General Smith's motion was then put and carried.³⁴

It was then resolved that the time on Saturday should be devoted to private bills — and also the Session on Monday up to 6 o'clock. At half past 7 o'clock the House would then proceed with the report of the committee on the charges made by the Attorney General.³⁵

(630)

Mr. Solicitor General *Smith* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That when this House doth adjourn this day, it do stand adjourned until To-morrow at Eleven o'clock in the forenoon, and do adjourn at Six o'clock in the afternoon;

The Honorable Mr. *Drummond* moved in amendment to the Question, seconded by the Honorable Mr. *Merritt*, That the words "Eleven" and "Six" be left out, and the words "Ten" and "One" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(630-631)

YEAS.

Messieurs *Aikins, Bourassa, Bowes, Brown, Conger, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Drummond, Felton, Fergusson, Foley, Frazer, Gamble, Guévremont, Holton, Jackson, Jobin, Labelle, Lemieux, Attorney General Macdonald, John S. Macdonald, Roderick McDonald, McCann, Merritt, Papin, Patrick, Somerville, and Valois.* — (30.)

(631)

NAYS.

Messieurs *Alleyn, Bellingham, Attorney General Cartier, Casault, Cauchon, Chabot, Chapais, Chisholm, Crawford, Crysler, Dionne, Dostaler, Dufresne, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, LeBoutillier, Sir A.N. MacNab, Meagher, Mongenais, Munro, O'Farrell, Polette, Rankin, Rhodes, Solicitor General Ross, Scatcherd, Solicitor General Smith, Spence, Stevenson, Wright, and Yeilding.* — (34.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bourassa, Attorney General Cartier, Cauchon, Cayley, Chapais, Chisholm, Crysler, Darche, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Felton, Fergusson, Foley, Frazer, Huot, Jobin, Labelle, Lemieux, Attorney General Macdonald, Roderick McDonald, Marchildon, Mattice, Meagher, Merritt, Mongenais, Munro, Papin, Patrick, Polette, Poulin, Solicitor General Ross, Solicitor General Smith, Spence, Valois, and Wright.* — (38.)

NAYS.

Messieurs *Aikins, Alleyn, Bellingham, Bowes, Brown, Casault, Chabot, Clarke, Conger, Crawford, Delong, Dionne, Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier,*

Gamble, Guévremont, Holton, LeBoutillier, John S. Macdonald, Sir A.N. MacNab, McCann, O'Farrell, Rankin, Rhodes, Scatcherd, Somerville, Stevenson, Wilson, and Yeilding. — (32.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. *Drummond* have leave to bring in a Bill to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to persons charged with Indictable offences.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. *Drummond* have leave to bring in a Bill to regulate the Inspection of Leather.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. *Drummond* have leave to bring in a Bill further to amend the Parliamentary Representation Act of 1853.

(632) He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. *Drummond* have leave to bring in a Bill to regulate the amount of Security to be given by the Registrars of *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. DRUMMOND then moved the following resolution: — "That two thousand copies in French and two thousand copies in English of all proceedings relating to the question submitted for the decision of the Judges of the Special Court, organized under the Seigniorial Act of 1854, be printed for the use of members; that the printing thereof be conducted under the superintendence of the Commissioners appointed under the said Act, and that the Sessional order relating to printing be waived in so far as this notice is concerned."³⁶

MR. BROWN thought that before the house agreed to this motion they ought to have some explanation as to the expense. He had before him a volume [of] 432 pages, which only contained one speech on the subject, and there were yet the judgments of the other judges, and the arguments of counsel to be printed. Could not the proceedings be supplied in a condensed form?³⁷

MR. DRUMMOND said the matter was one of great importance, not only as affecting Lower Canada, but as the report of a judicial proceeding which would be read with great interest in England and in other countries of Europe.³⁸ The work would be included in two volumes — the second volume not to be so large as that already printed, containing the decision of the court.³⁹

After some further discussion the motion was agreed to.⁴⁰

(632) On motion of the Honorable Mr. *Drummond*, seconded by Mr. *Antoine Aimé Dorion*,

Ordered, That two thousand copies in *French*, and two thousand copies in *English*, of all Proceedings relating to the Question submitted for the decision of the Judges of the Special Court organized under the Seigniorial Act of 1854, be printed for the use of Members; that the printing thereof be conducted under the superintendence of the Commissioners appointed under the said Act; and that the Sessional Order relating to printing be waived in so far as this notice is concerned.

A Bill to enable the Reverend *Henry Patton*, Rector of *Cornwall*, to convey certain Lands to the Grand Trunk Railway Company of *Canada*, and to invest the money received for such Lands in trust for the Rectory of that Town, was, according to Order, read the third time.

On motion of Mr. *Chisholm*, seconded by Mr. *Crysler*, an amendment was made to the Bill by leaving out the words "and in case any such proceedings should result in a judgment" in the fourth Clause, and inserting instead thereof the words "or with any Legislation affecting the Rec-tories generally; or in the event of any such Legislation, or of any such judicial decision."

On motion of the Honorable *John Sandfield Macdonald*, seconded by Mr. *Roderick McDonald*, another amendment was made to the Bill, by adding the following proviso: "Provided always that there shall be reserved from the East and West ends of the said Glebe, for the public use, the usual Road allowance."

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the Reverend *Henry Patton* to convey in fee simple a portion of a certain Glebe."

Ordered, That Mr. *Chisholm* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend the Act regulating the Inspection of Flour and Meal, was, according to Order, read the third time.

MR. GAMBLE moved that the 24th section be struck out, and the following words inserted: —

"The several Boards of Trade herein before mentioned shall each select one of their members, and the members so selected, shall form a Board, to meet in the City of Toronto, at such a time within three months next after the passing of this Act, as they shall agree upon, for the purpose of selecting, with the aid of such experienced practical millers as they shall call to their assistance, samples of flour, to serve as provincial standards for the several qualities of flour and meal mentioned in the next preceding section; and it shall be the duty of inspectors appointed under this Act, to supply themselves, at their own expense, with sufficient portions of such standard samples by which they shall be governed in determining the qualities of all flour and meal to be inspected by them, and the said standard samples shall be deposited in the custody of the Board of Trade in Toronto, and shall be renewed from time to time, by the deputies from the several Boards of Trade, to be appointed and to act as before mentioned, meeting at Toronto, from time to time, as they may find expedient, and shall be open for the inspection of all persons during business hours, and sufficient portions thereof shall be furnished to the several inspectors from time to time, on their application, by the inspectors of the Board of Trade of the City of Toronto."⁴¹

In moving the above amendment the hon. gentleman called the attention of the house to the amend-ment proposed and the nature of the bill. This was one of the most important subjects to which the atten-tion of the Legislature could be directed, inasmuch as it professed to deal with the great staple of Canada West. The opinions as to the propriety of fixing a standard for flour, were very conflicting. His opinion was, that providing a Provincial standard could be adopted, an inspection would be very beneficial. But he objected to allowing the Montreal Board of Trade, the right of being sole inspectors. For that reason it was that he made his amendment that the several Boards of Trade throughout the Province should select one of their members, and that the members so selected should form a Board of Trade, who should regu-late the standard of flour.⁴²

MR. HARTMAN seconded the amendment.⁴³

MR. HOLTON said that the object would be a very desirable one, but it was unattainable. As a practical man, he had not the slightest hesitation in saying that the project was utterly impracticable. He explained that this bill did not propose to allow the Board of Trade in Montreal to fix the standard for the whole Province. Under this act, each city in the Province might regulate its own standard. With reference to the amendment of the hon. member for South York, he thought it very objectionable — as it was an innovation on the bill now before the house — a bill which had been submitted to the whole country, and had been universally admired.⁴⁴

MR. CHISHOLM said that if the hon. member for South York had read the 24th clause of the bill, he would have seen that it met his objection. He objected to the amendment of the hon. gentleman, as

its only effect would be to submit the entire flour of the Province to the control of the Toronto Board of Trade.⁴⁵

MR. GAMBLE was not particular where the place for fixing the standard was fixed. His only object was to have a Provincial standard fixed. He would agree to Montreal being the place where the deputations should meet to fix the standard. By the hon. member for Montreal's bill, each city in the Province might have a different standard — a plan which would be highly objectionable. Years ago, they had adopted the New York standard, at the suggestion of an hon. member then in the House. But that standard had been since disused — the New York inspection having depreciated. And he now advocated a return to some standard — in the determination of which, the people of Canada should have a voice. He was astonished to hear the hon. member for Montreal assert that such a standard was impracticable. Such was not the fact.⁴⁶

MR. INSP. GEN. CAYLEY also opposed the amendment. He thought that having different standards in different parts of the Province would be beneficial, as it would establish the same competition amongst the inspectors which would exist amongst the millers, and would, by that means, tend to make the different standards as high as possible.⁴⁷

MR. MERRITT was opposed to all inspection; but he would vote for the amendment of the honourable member for South York, as it would b[r]ing together a number of practical millers, who would see the inutility of any inspection.⁴⁸ In the States, in London and Liverpool, the flour was not selected by its brand, but by its quality. He was opposed to the bill *in toto*; and would advocate leaving the trade alone.⁴⁹

MR. COM. CR. LANDS CAUCHON denied the facts stated by the hon. [member] for Lincoln. He thought that they should not regard the convenience of this or that speculator in corn, but the welfare of the country at large; and with that object, he would like to see, not only flour, but most other commodities placed under Government inspection.⁵⁰ [He] contended that a standard ought to be fixed, and in support of his opinions instanced the good effects fixing a standard for shipping had in the shipping trade of Quebec. Lloyd's standard had been fixed on, and the consequence was that the shipping at that port had materially increased in reputation and value.⁵¹

DR. CLARKE opposed the amendment.⁵² [He] did not think it possible to fix a Provincial Standard.⁵³

MR. GAMBLE reiterated his opinions, and stated they were the opinions of the traders in the adjacent counties.⁵⁴ All the[y] desire was that justice should be done to Upper Canada, where the wheat was grown and the flour manufactured. He denied that a Provincial brand was impracticable, as they had years ago used the brand of New York as a Provincial standard.⁵⁵

The amendment of the hon. member for South York was lost, on a division⁵⁶.

(632)

Mr. *Gamble* moved, seconded by Mr. *Hartman*, and the Question being put, That the twenty-fourth Clause of the Bill be left out, and the following Clause inserted instead thereof: "The several Boards of Trade herein before mentioned, shall each select one of their members, and the members so selected shall form a Board, to meet in the City of *Toronto* at such time within three months next after the passing of this Act, as they shall agree upon, for the purpose of selecting, with the aid of such experienced practical Millers as they shall call to their assistance, samples of Flour to serve as Provincial Standards, for the several qualities of Flour and Meal mentioned in the next preceding Section; and it shall be the duty of the several Inspectors appointed under this Act, to supply themselves, at their own expense, with sufficient portions of such Standard samples, by which they shall be governed in determining the qualities of all Flour and Meal

(633) to be inspected by them; and the said Standard samples shall be deposited in the custody of the Board of Trade in *Toronto*, and shall be renewed from time to time by the Deputies from the several Boards of Trade, to be appointed and to act as before mentioned, meeting at *Toronto* from time to time as they may find expedient, and shall be open for the inspection of all persons during business hours, and sufficient portions thereof shall be furnished to the several Inspectors, from time to time, on their application, by the Secretary of the Board of Trade of the City of *Toronto*;" the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bowes, Cauchon, Church, Crawford, Dufresne, Fergusson, Foley, Frazer, Gamble, Hartman, Jackson, Larwill, Merritt, Murney, Rolph, Shaw, Stevenson, Wilson, and Wright.*
— (20.)

NAYS.

Messieurs *Bell, Biggar, Bureau, Casault, Cayley, Chabot, Chisholm, Clarke, Conger, Cook, Jean B. Daoust, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Roderick McDonald, McCann, Matheson, Mattice, Mongenais, Angus Morrison, Patrick, Polette, Poulin, Pouliot, Prévost, Robinson, Solicitor General Ross, Solicitor General Smith, Somerville, Spence, and Thibaudeau.* — (43.)⁵⁷
So it passed in the Negative.

MR. HOLTON moved that the Bill do pass.⁵⁸

MR. BOWES objected to the Bill altogether. It gave Montreal the whole regulation of the inspection. There ought not to be different standards for inspection of flour in various cities.⁵⁹ [He] thought the amendment of the hon. member for South York should have prevailed.⁶⁰

MR. GAMBLE much regretted his motion had not been adopted, and again explained its nature.⁶¹ [He] said that if the hon. member for Montreal (Mr. Holton) would not consent that the Western portion of the Province should have a voice in this matter, then he thought it was better that the system of inspection should remain as it is. The produce from his part of the country went down to New York and the Eastern States, not to the Montreal market, and why should Montreal wish to put this restriction upon Western Canada?⁶²

MR. HOLTON said the Montreal people had no advantage under this Bill whatever. It simply continued the existing law. The hon. member for Toronto (Mr. Bowes) wished to introduce a new system and an impracticable one, which is not demanded by the trade here or elsewhere, but which a few millers in Toronto alone required. The Bill had been submitted to the entire trade of Montreal⁶³ [OR] to the trade of the country, and yet no person found fault with it but the hon. member for South York, as the representative of the Millers' Association in this city.⁶⁴ The uniform opinion of all the merchants who had corresponded with him, and his hon. colleagues having charge of the Bill, was in its favour. It simply abandoned the New York standard.⁶⁵

The bill was then passed on a division⁶⁶.

(633) Mr. *Holton* moved, seconded by Mr. *McCann*, and the Question being put, That the Bill do pass, and the Title be, "An Act for the Inspection of Flour, Indian Meal, and Oatmeal;" the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Biggar, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Cook, Jean B. Daoust, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Drummond, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Holton, Jobin, Lemieux, John S. Macdonald, McCann, Matheson, Mattice, Mongenais, O'Farrell, Patrick, Polette,*

Poulin, Pouliot, Prévost, Robinson, Solicitor General Ross, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Valois, and Wilson. — (47.)

NAYS.

Messieurs Aikins, Bowes, Brown, Church, Crawford, Fergusson, Foley, Frazer, Gamble, Jackson, Macbeth, Merritt, Rolph, Shaw, and Wright. — (15.)

So it was resolved in the Affirmative.

(634) *Ordered,* That Mr. *Holton* do carry the Bill to the Legislative Council, and desire their concurrence.

MR. MERRITT then moved, that the Bill relating to the privileges of Chartered Banks, be read a third time.⁶⁷

(634) A Bill from the Legislative Council, intituled, "An Act for enabling all Chartered Banks in this Province to enjoy a certain privilege therein mentioned," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Merritt* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

MR. INSP. GEN. CAYLEY moved the House into committee of the whole to consider his resolutions for affording aid to the Grand Trunk. In doing so, the hon. gentleman referred to the fact, that on a recent occasion he had not thought it necessary to enter at length into the subject of the formation and progress of the Grand Trunk Company, as that question had been so frequently and fully discussed during the last three sessions. But during the course of the debate of Wednesday night, it appeared that several hon. members were anxious that further details should be laid before the House. In compliance with that wish, he would now proceed to give a statement in detail of the Company's operations.⁶⁸

The House then went into committee of the whole⁶⁹.

(634) The House, according to Order, again resolved itself into a Committee to consider the expediency of extending further Aid to the Grand Trunk Railway Company of *Canada*, to enable them to complete their undertaking;

MR. INSP. GEN. CAYLEY then entered at considerable length into the origin and progress of the Grand Trunk, its amalgamation with the various lines then in progress, and the formation of the Company contemplating the completion of works involving an outlay of £9,500,000, comprising share capital to the extent of £4,864,800; bonds of the Company, £2,223,700; and Provincial bonds, £2,211,500. The original application of this capital was — St. Lawrence and Atlantic Road, 142 miles, at £8,500 per mile, £1,258,000; Quebec and Richmond, 100 miles, at £6,500 a mile, £650,000; extension to ditto, £50,000; in all £700,000; Montreal to Toronto, 345 miles, £3,000,000; Trois Pistoles, 153 miles, and from St. Thomas to Quebec, in all £375,000; Toronto to Stratford, £1,040,000; Victoria Bridge, £1,400,000⁷⁰ [OR] £6,373,000; and contingenc[i]es, £142,000. This was the original scheme. The hon. gentleman referred to the arguments urged last session to induce the Legislature to grant an additional aid of £900,000. From that period to the present the Company have proceeded with their works. It is opened to Guelph; opened to Brockville, and there is every prospect of its being opened to Stratford in a few weeks; and then the sole portion of the line to be opened under the arrangements, will be from Brockville to Toronto. By the estimate made to the 1st of April, the cost of completing the road from Toronto to Stratford will be £316,000 sterling. All the unfinished work on the 1st of April was estimated at £316,000. In the aid granted in the spring of 1855, the Government [sic] were called upon to take every precaution that no more money should be released to the Company than 75 per cent. upon the work completed, and care was taken to carry out that precaution. It had been made a cause of complaint against

the Government and against himself especially, that he had kept too much back. The Government have still on hand £316,000, the amount necessary to complete the line to Stratford, although two months work have been performed by the contractors and a demand of £138,000 for which work has been made. The cost of the work which has been completed was £7,862,400, while its estimated cost was only £6,677,824 showing a loss of £1,184,576. According to the returns he had made out, he found that the Company had on hand B. shares unsaleable, £1,300,000; and B. Bonds, £400,000 worth about 85 per cent. It appears that the Company have been obliged from time to time to modify their engagements with the contractors, so as to enable them to meet their requirements. The Company were obliged to apply their capital to roads in which the English shareholders had no interest, so that they were not in a position to meet their engagements with these contractors, and consequently had to ask them to make their terms more easy, to enable the Company to meet them. But at the present time the Company is unable to meet their interest on the Provincial bonds. A communication has just been received from the English contractors, tendering to the Company all their contracts upon condition that the Company pay for the work done the price that may be put upon by fair valuation of competent engineers. They will give up all connexion with the Canadian work upon the value being ascertained and the amount their work is worth paid them.⁷¹

MR. BROWN. — Who pays them?⁷²

MR. INSP. GEN. CAYLEY replied that the company must pay them. They told the company "You tell us that our works are too expensive — we are willing to be released from them upon payment of their estimated value." It appears then that all the money received out of the guarantee, will be absorbed by finishing the road from Stratford to St. Thomas. All the amounts due to the company on share capital, every instalment being paid, would be absorbed, and the company threw themselves upon the Government. The proposition of the Government was, to authorize the company to raise by preferential bonds a sum of money necessary to complete the works in progress. To enable the company to raise money, the "B" shares undisposed of should be purchased by the Province, for it appeared to him that a great portion of the depreciation of those shares resulted from the fact that the work was unfinished; there was no terminus in the West, no bridge at Montreal, and no link from Toronto to Brockville, and therefore the line was totally unproductive. The hon. gentleman then referred to several great works which had been undertaken by private capital, which had all proved ruinous to their projectors, but ultimately, when national aid was given, had proved most profitable works.⁷³ The New River Company was started to supply the city of London with water by Sir Hugh Middleton, and he was ruined in the enterprize. The Bridgewater Canal, now one of the most profitable works in England, absorbed the whole of the large fortune of the Earl of Bridgewater; and the attempt of Mr. Roscoe to drain the extensive marshes between Liverpool and Manchester, ... also proved ruinous until taken in hand by another company. These enterprizes were all too extensive to be undertaken by private capital. So in like manner had this great work been undertaken by private Canadian enterprise, it would have ruined all who took part in it. How then did they stand in relation to it. Are we to be indifferent to its completion. Is it a matter of no moment to us whether it is finished or not. We cannot be indifferent to it because it affects the interests of Canada most materially [sic], to have this work completed at almost any cost. It is worth a struggle to secure the completion of a road which will pay ten times the amount which Canada has been called upon to pay in opening up its extreme length from east to west. The hon. member here referred at some length to the remarks of the hon. member for Glengary, and the hon. member for Lambton, when the question was under consideration a few days ago. He contended that the money formerly entrusted to the Government by this House to be applied to this work, had been carefully husbanded, and that was the best pledge they could give, that if this money was intrusted to them it would be equally well husbanded.⁷⁴ He concluded by quoting the following from the correspondence of the hon. W. Napier, the agent of the English shareholders: — "Looking forward, however, with confidence to brighter prospects within the next two years, I venture to express an opinion that the sum of £2,000,000 should be the maximum amount permitted to

be raised by the Company by preferential bonds, for all the purposes of present engagements (by arrangements with and under the control of the government) and including the extra expenses, and the works and assistance additionally suggested by the government, provided that the government shall, in the case of the additional lines of railway detailed in your memorandum of the 6th instant, give to the company every assistance in their power, with the various Municipalities interested, and who shall be ready to afford their aid."⁷⁵

MR. BROWN observed that no one who had heard the speech of the Inspector General could believe that he stood there in any position but as the apologist and advocate of the Grand Trunk Company. Could any one have conceived that he was speaking [for the interests] of the Province, or in any position but in that of a paid director of the Grand Trunk Company?⁷⁶ He had spoken for an hour, and had run over a long list of figures, to show the position of this company,⁷⁷ on which figures the whole of his proposition was based; but no one could carry them in his mind, so as to guide him in voting upon the question, and how did they know they were correct?⁷⁸ Here then we are from a mere recital of figures which ought to have been in our possession for weeks, asked to consent to a proposition of such importance. Would the House submit to be treated this way over and over again? If so, they justly deserve to be brought into a position of antagonism [sic] to the best interests of the Province. It was really hopeless to keep any check upon the expenses of this country, if gentlemen will submit to be treated by hon. gentlemen in this way.⁷⁹ Mr. Brown went on to speak in terms of strong condemnation of the swindle practised upon the English shareholders, by the misrepresentations which had been put forth in the Grand Trunk prospectus, and to defend Mr. Galt from the odium cast upon him by the Inspector General of having taken part in those misrepresentations. It was Mr. Hincks, he continued, who led the country into the whole scheme, with the aid of the late colleague of the Inspector General (Mr. Ross.)⁸⁰ Was it not a strange spectacle to see one Inspector General to stand up here and repudiate the schemes of his predecessor? He held up this gentleman and those who acted with him on this scheme to the contempt and odium of this country, for having led them by false representations into the position in which they now find themselves. A more striking scene could not be witnessed. But the worst of it was that the hon. gentleman repudiates every statement made by these gentlemen in 1852. Was there an hon. member of this House who believed that the Victoria Bridge would pay? Would it ever return to its stockholders? Then the line from St. Thomas to Rivière du Loup [sic] — does any man say that would ever make any return? (Yes, yes.) Hon. gentlemen from that part of the country may say yes — can they say that the line from Richmond to Quebec pays?⁸¹

MR. CASAULT would tell them why it did not pay — because it cost more to take goods across from Point Lévi to Quebec than from New York to Point Lévi.⁸²

MR. DORION. — Why was it stopped last winter.⁸³

MR. CASAULT. — Because there was so much snow that they were unable to work the line.⁸⁴

MR. BROWN. — Quite so — a number of people were taken to the market by the line, and they were unable to get back in consequence of the snow. Now, he would say that the idea of constructing such lines of railway as these, was not only absurd but a monstrous imposition. — Every one knew it to be a fact that even if every person inhabiting those districts of country through which these lines will pass, were to travel backwards and forwards by the cars, during every week, that still these lines would not pay — nor would the conveyance by the cars of all the traffic they could possibly get, make the lines. He defied any person to show him a line in the States, dependent solely on local traffic, which was a paying concern. Not one could be pointed out. By the aid of through traffic alone could a railway be sustained. He had no objection to any road being built in the Province, which would be serviceable, but it was quite clear that as much could not be said of these lines.⁸⁵ He referred them to a letter written by one of the

English directors respecting the position of the road, which he understood had caused the contractors to make an offer to give up the whole of their contract to the Government.⁸⁶

MR. INSP. GEN. CAYLEY said that they had offered to give up their contracts, on condition of being paid for the work they had done, according to a fair valuation.⁸⁷

MR. BROWN. — With such facts as these before them how could they be expected to proceed with the information they had. He thought the country had been grossly wronged by the Grand Trunk Company⁸⁸. He indignantly denied ever having expressed any sympathy with brokers who had taken this scheme in hand; but he would say⁸⁹ that the English stockholders who had been taken in by the misrepresentations that had been made, were entitled to sympathy⁹⁰. But for any hon. gentleman to assert that he had ever sympathised with the Company and advocated giving up to them the £3,000,000 already spent on the road — in fact, giving them up the entire work — was to assert what he had not the remotest idea of doing. Was the Province to be asked to yield up its claims on this work to a set of greedy London brokers, merely because they had failed, or feared they would fail in securing as much plunder as they had anticipated?⁹¹

MR. FERRES said that part of the outcry against the Company had arisen from the fact that the stock was not in the hands of brokers.⁹²

MR. BROWN admitted that such might have been the case, as Glyn and Baring kept £4,000,000 in their own hands for the sake of the profit they made out of it. The member for Brome took a very different view of the matter at that time. It was from him that he (Mr. Brown) first heard of all these enormities. This was considered such glorious picking that they did not like to distribute the stock into any other hands. The Inspector General said that he had funds enough to complete the road from St. Thomas to Stratford, why then were they called on to act at all. What was the necessity for their giving up their £4,000,000 sterling.⁹³

MR. INSP. GEN. CAYLEY. — To complete the bridge and to make the road to Sarnia.⁹⁴

MR. BROWN. — And to River du Loup.⁹⁵

MR. INSP. GEN. CAYLEY. — Yes.⁹⁶

MR. BROWN could not see any reason why this country should incur further expenses to make parts of the road which were not necessary and which would not pay.⁹⁷ Where was the necessity for the St. Thomas and Riviere du Loup branch? They had been told indeed that this line had been bargained for between Mr. John Ross and the hon. member for Kamouraska. But what had the Province to do with carrying out such promises? Were they to be paid for carrying out any mad agreement which any director of the Company thought fit to enter into? The proposed idea was absurd.⁹⁸ He was quite easy about an independent terminus to this road on Lake Huron, for he knew perfectly well that the road could not pay except it went there, and besides he knew that the citizens of Toronto had subscribed £100,000 on the express condition that the road should go to Sarnia.⁹⁹ He would again say that before moving one step further in this undertaking, the House ought to be furnished with full statements of the receipts and expenditures of the Grand Trunk, so far as the scheme had gone. That was the point in reality, and they had been furnished with no such information. With regard to the St. Mary's and London line, his only objection was that that road should be built out of the money which it was intended to apply to the construction of the Sarnia line. He wanted the Company to carry out their original contract.¹⁰⁰ Now with regard to the Victoria Bridge all are agreed that it will be a great ornament and one of the most wonderful works in the world¹⁰¹ — a lasting testimonial of the greatness of their country. His objection

was, that after spending \$7,000,000 on that work, it ought not to be handed over to the exclusive control of this Company. Was such a thing fair?¹⁰²

MR. FELTON. — Certainly.¹⁰³

MR. BROWN could not agree with the hon. member for Wolfe, and he would find that the country would not agree with him either. If he (Mr. Brown) were determined to carry out this scheme to-morrow, he would take the money and build the bridge as a public work, only giving the Grand Trunk the right to run their line over it, and giving other companies a similar right.¹⁰⁴

MR. AT. GEN. CARTIER. — That right is allowed them already.¹⁰⁵

MR. BROWN. — They might, by permission of the Grand Trunk Company, be put in exclusive possession of a revenue belonging to the Province.¹⁰⁶ He would not allow the Company to hold the bridge as a monopoly. The Inspector General might alter the phraseology of that resolution if he was so disposed, but he would not do so, because he knew perfectly well that the Company would not burthen itself with some of the lines of road.¹⁰⁷ He would also call the attention of the House to the fact that by the terms of the contract, it was not incumbent on the Railway Company to issue bonds to the amount of £2,000,000 sterling. The terms of the company were that they were "allowed" to do so. But when they came to look at what the Province should do, they found that the Province was bound to pay the interest on the bonds for five years.¹⁰⁸ It might be taken for granted that this demand of £2,000,000 would not be the last that would be made on the Province. It was very easy to understand this system; year after year the Company had come down here and asked for fresh aid, and if these subsidiary lines were wholly attached to it the result would be fresh demands for millions, for it was well known that the bonds of some of the lines were lying under protest, that their obligations were enormous and the returns very small. In fact, there was a probability that some of those roads would be closed in consequence of the Company not having the means to carry them on. And there were the roads that the Inspector General proposed to incorporate with the Grand Trunk.¹⁰⁹ Take up any one of these schemes separately, and would any hon. gentleman venture to assert they would pay? Had they not been again and again deceived with regard to this road? Had not the company broken all its promises? And would the hon. gentleman now place the slightest reliance on the proposal now submitted to them? He sincerely hoped they would not plunge their country into bankruptcy and disgrace by doing so.¹¹⁰

Six o'clock having struck, MR. SICOTTE the SPEAKER left the Chair.¹¹¹

MR. SICOTTE the SPEAKER took the chair at eight o'clock¹¹².

MR. CRAWFORD said that although the vote in the morning might seem like a refusal to go to Guelph to-morrow, the cars would be all ready at one o'clock for as many members as chose to go, and the same invitation was extended to the officers of both houses.¹¹³

MR. AT. GEN. J.A. MACDONALD said that, if a quorum of members was left, the house would proceed with private Bills.¹¹⁴

The house then again resolved itself into committee on Mr. Cayley's Grand Trunk resolutions¹¹⁵.

MR. CHAPPAIS said that he had consented temporarily to surrender the right of guarantee to the road from Quebec to Trois Pistoles, on the clear understanding that that guarantee was to be constructed at a future date. — And so far from that road being unproductive, he was satisfied that it would pay as

well as any railroad in any part of Canada; and pay far better than the Northern Road, leading from Toronto. It might be painful to construct railroads in Lower Canada, which would not pay; but he would remind the honourable gentleman that there were works in Upper Canada which pay nothing, and also far exceed the original estimates of their cost. He would instance the Welland Canal, which, it was estimated, would cost £40,000; whereas the actual cost was £1,500,000. Why, then, should hon. gentlemen sneer at this line of road from Quebec to Trois Pistoles? It is merely a continuation of that line which is to extend from one end of the Province to the other. It will pass through a country richer than any in Canada, inhabited by a population numerous, industrious, and energetic. The country is unknown to the people of Upper Canada, and in their ignorance of it, they treat it with contempt and scorn; but if they knew the facts their contempt would be changed into admiration. Then this line to Trois Pistoles is a step towards the completion of the line to Halifax — a project of the utmost importance, as it will tend to bind all the people of British North America together, and open a direct communication for passengers coming from Europe, instead of the inconvenience of coming round by Boston or New York. The government that refuses to build such a line need never hope to exist. He did not pretend to justify what the Grand Trunk had done wrongly; but he felt satisfied that the country could not now stop short in the great enterprise, and allow the large amount already spent to be wholly lost. He did not look upon the construction of the line to Trois Pistoles as an act of favor to that line. But the last government is [sic] pledged and bound to carry it out, and the present government must sustain that pledge.¹¹⁶

MR. LABERGE would like to know what security the country had that the company will carry out all the work mentioned in the resolutions? He would also like to know why it is that the company, having already received aid, should now return to receive more? He would also like to know where the official papers are, that he could turn to get this information? He asked these questions in order that he might give a satisfactory reason to his constituents for his vote in favor of these resolutions, in case he should support them.¹¹⁷

MR. AT. GEN. CARTIER (in French) spoke at some length in support of the resolutions, and traced the history of the Grand Trunk Railway, giving an account of those lines which had been already opened for traffic, and of those which would be opened in a short time in Lower Canada. He contended that it would be imperative on the Company — under the new arrangement — to complete those lines.¹¹⁸ The various works undertaken by the Grand Trunk Company in the Upper section of the Province in order to accommodate the necessities of commerce, had necessarily absorbed all the capital at the disposal of the company; as it had been much crippled in its operation in England in consequence of the war with the East having broken out at the time that the greatest exertions were necessary. It was from that loss that the company had been compelled to come to the Legislature of Canada and ask for assistance to enable it to carry out the whole of the work contemplated by the Grand Trunk Company. The credit of the company is effected [sic] to such a degree that it is impossible to raise the necessary amount, although from the deep interest they have in the road, — having already spent £2,000,000 sterling on it — they would naturally be disposed to make every exertion to push the enterprise to completion. It must be remembered that the bonds for £2,000,000 would not be issued by the company until the works mentioned in the resolution were completed, consequently if they do nothing they will not receive the money.¹¹⁹

MR. BELLINGHAM asked the hon. Attorney General a question in reference to £20,000, which the Inspector General had told the house had been granted to the Company to purchase the right of roadway from Stratford to Sarnia. He (Mr. Bellingham) had gone to the office of the Provincial Secretary, where he had ascertained that no plan of this roadway had been deposited as required by law. He wished to be informed as to the reason of this, and as to whether it was true that this roadway had been purchased. He had also seen an estimate for the purchase of land between the Dawn and Sarnia of £34 per acre, which he knew could be purchased for £5 per acre. He wished to know too, whether 700 acres in the

neighbourhood of the Dawn had been made over to the contractor. By the terms of the contract, the Government were obliged to make over such land to the contractor free of charge, and if 300 acres of the military reserves of Sarnia were given up to the Company, it would save the cost of building the station, which was the principal expense.¹²⁰

MR. MARCHILDON, with great vehemence, denounced the Government for having the audacity to deal with so important a question as this, after they had lost the confidence of the house, when they had been defeated last night on the School question, and when they were holding office against the will of the people.¹²¹

MR. FREEMAN complained that the contract for the road from Toronto to Montreal had not been properly carried out. The contractors had agreed to take £3,000,000 of money, partly in Provincial debentures, partly in County debentures, and partly in the stock of the Company. This agreement had not been carried out, and the contractors themselves had acknowledged that it was their fault, and not that of the Company, as had been stated by the Attorney General. He hoped that the written agreement would be produced and explained, so that the country might know whether they had not some remedy against the contractors.¹²²

MR. AT. GEN. CARTIER had not the agreement in his pocket. The contractors were entitled, in May 1855, to £1,600,000 — £800,000 in cash, £400,000 in bonds, and £400,000 in the shares of the Company.¹²³ The hon. member entered into a lengthy statement of the original contract for the Grand Trunk Railway, the subsequent alteration of that contract, and the present liability of the company.¹²⁴

MR. MERRITT asked if, under the Act of 15th Vic., c. 39 [sic], the Company were entitled to more than a guarantee from the Government of £3,000 per mile? He thought that the legal gentlemen who were paid for it, should protect the interests of the country; but in spite of those lawyers, both this country and the English shareholders had been deceived. The effect of this was to increase the debt of the country 10 per cent.¹²⁵

MR. AT. GEN. CARTIER explained that the additional £900,000 was advanced to the Company as a loan under the Act of 1854.¹²⁶

MR. MERRITT complained that the £900,000 had been spent on the line to Sarnia, although it had been understood that not one penny of the guarantee was to be spent on a line west of Toronto.¹²⁷

MR. A. DORION desired to be informed if the shareholders had received the interest on their shares, which had been promised? If they had he did not think they had much to complain of, whatever might be their future position.¹²⁸

MR. INSP. GEN. CAYLEY stated that the shareholders would receive the interest as soon as the works were taken out of the hands of the contractors. In reference to what had been said by the hon. member for Lincoln, he (Mr. Merritt) appeared to forget the correspondence of last year, in which the contractors complained that the drafts of the Company had not been paid.¹²⁹

MR. CASAULT said that in the resolutions which had been submitted by the Government, he saw an evident want of good faith; and should therefore feel it his duty to oppose the Government. He regretted the necessity which compelled him to do so; but he, who had been such a warm supporter of the Government, had been deceived by them in the most flagrant manner. It had been asserted that his support was given to the Government because they had agreed to the North-Shore Railroad project; but he denied the truth of that assertion. No later than a few nights ago he had been deceived by the Government, on the London and St. Mary's Railroad Bill¹³⁰, in a manner which could not be excused.¹³¹ The

country had also been deceived by them in that measure.¹³² Had they told him the truth, he would still have voted for them, but he had been deceived, and he could not support them, as the confidence he had reposed in them and the support he had given them, did not deserve so to be treated. He had been assured before that on the London and St. Mary's road there would be nothing but the rolling stock of the Grand Trunk. This assurance had been violated, and these resolutions were framed so as to catch as many votes as possible, and all he wondered at was that the North Shore road was not brought in too. An appropriation of £450,000 was made to the London and St. Mary's road, and £525,000 to the Trois Pistoles, but out of that latter sum the Trois Pistoles road had given back £325,000 to build the other sections, so that they were only paying back their own money. What the Government were really giving to the Trois Pistoles road was only £200,000, while to the St. Mary's and Sarnia road was given £450,000. He complained also that the road to Trois Pistoles was not to be completed till 1st January, 1860, and, instead of the money being applied to building the road, it was to be put into the hands of the Provincial agents. He could not vote for the resolutions, because they gave no security for the completion of the road to Trois Pistoles. He looked upon them as just another attempt to bribe members with promises which it was never intended to carry out. (Hear, hear.) They were framed for the mere purpose of getting votes, without any intention of doing justice to the part of the country he represented.¹³³ The hon. gentleman then proceeded to prove that railroads in the eastern section of the Province would pay quite as well as those in the western, if properly managed.¹³⁴ The little line from Quebec to St. Thomas, only 45 miles in length, was now paying more than the Northern Railroad from Toronto to Collingwood. He was informed it would pay two per cent. over the working expenses. At its opening it did not pay, because it was badly managed, but that was remedied now. The Quebec and Richmond Railroad could not pay, because it was not required in summer, on account of the Pointe Levi Ferry. The freight from Quebec to Pointe Levi was as great as from Pointe Levi to New York. It did not succeed — not because the people of Lower Canada were backward, but because the road was so badly managed that it could not be taken advantage of. He believed the Trois Pistoles road would ultimately pay more than any road in Upper Canada except the Great Western¹³⁵; for when it was opened up, all the provision trade of New Brunswick, Nova Scotia and part of the trade of the State of Maine, would pass over it. The hon. gentleman concluded by again denouncing the Government for the deception they practised in bringing forward these resolutions.¹³⁶

MR. COM. CR. LANDS CAUCHON said that on this, as on the school question, the extremes met to oppose the Government. The member for Lambton went against the scheme, because the Trois Pistoles road, they said, would never pay; while the hon. member who had just spoken, voted against it because the Government were doing too much for the London and Sarnia section, and too little for the Trois Pistoles road. The country would believe that the Government had hit the right mean between the two. He did not think the Government were properly chargeable with deception, but those hon. members who accused them of that had deceived themselves. They were free to vote as they pleased, but the country would judge of their votes. From the time that the £900,000 were granted, he contended that the Grand Trunk had not deceived the Government, and that the Government had not deceived the country. What interest had the Government in deceiving the member for Montmagny, and those who thought with him? The Government had no interest but to serve the country. They had no interest in the Grand Trunk.¹³⁷

MR. J.S. MACDONALD. — Hear, hear.¹³⁸

MR. COM. CR. LANDS CAUCHON. — They have no more interest in it than the member for Glengary, if it be true that he has become security for a contractor.¹³⁹

MR. J.S. MACDONALD. — No, never.¹⁴⁰

MR. COM. CR. LANDS CAUCHON. — The hon. member need not be so indignant. I did not say it was the case, but I said that the Government have less to do with the Grand Trunk than the

hon. member has, if it be true that he became guarantee for one of the contractors. I did not say it was true.¹⁴¹

MR. J.S. MACDONALD said the Commissioner of Crown Lands now found that his scheme was unpalatable, and he was at the last gasp of despair. He said the Government had no interest in the Company. He (Mr. M.) asserted that every Government since the scheme originated, had been at the foot of the Grand Trunk. By in[n]uendo he charged himself (Mr. M.) with having become responsible to the Grand Trunk. It was not so. He never had had anything to do with them. From their first start he saw that their sole object was to make out of the people of Canada as enormous a sum as possible, and they had failed in doing so by their own mismanagement. He congratulated the member for Montmagny on the slashing charge he had made on the Administration. That hon. gentleman had been in daily intercourse with them, had been at all their caucus meetings, had voted for them in the house, and now came forward and declared solemnly that he had been deceived by them, and that the country had been deceived. (Hear, hear.)¹⁴²

MR. ROBINSON said the people of Canada would wait long for a railroad, if it depended on the advocacy of the hon. gentleman who had just spoken.¹⁴³

MR. O'FARRELL would vote for the resolutions.¹⁴⁴

MR. SOL. GEN. H. SMITH. — Hear, hear.¹⁴⁵

[MR. O'FARRELL continued:] But he would not pledge himself to vote for the second and third reading of the Bill to be founded on them. When the Bill came up, he would then see what other course he would take on the matter.¹⁴⁶

The Chairman (MR. GAMBLE) then proceeded to put the question to the Committee on the resolutions.¹⁴⁷

MR. BROWN desired that they should be put separately.¹⁴⁸

MR. AT. GEN. J.A. MACDONALD said that the resolutions were founded on an agreement, made after negotiations with the Grand Trunk, and must be accepted or rejected as a whole. If one clause was altered, the Grand Trunk would not be bound to accept them.¹⁴⁹

MR. RANKIN said he was in favour of some of the resolutions, but if asked to accept of them as a whole, he must vote against them.¹⁵⁰

MR. TURCOTTE could not agree with the view laid down by the Attorney General. The house was at liberty to agree to any propositions they thought proper, and if the Grand Trunk would not accept them, let them take the consequences.¹⁵¹

MR. BROWN. — I move that the resolutions be put separately.¹⁵²

A great deal of confusion here ensued as to how the resolutions were to be put; several members being on the floor, and endeavoring to speak at the same time.¹⁵³

MR. GAMBLE not putting the motion,¹⁵⁴

MR. MACKENZIE said he wished to refer the point to the Speaker at once.¹⁵⁵

MR. GAMBLE stated that it was the Parliamentary practice to put the resolutions separately.¹⁵⁶

A vote was then taken, and was found to be — for the resolutions, 47; against them, 42.¹⁵⁷

A warm discussion ensued on whether the vote had been taken on the resolutions as a whole, or only on the first.¹⁵⁸

MESSRS. BROWN, J.S. MACDONALD, MACKENZIE, &c., insisted that they believed from the Chairman's remark, that only the first resolution was put¹⁵⁹.

The Government contended that the whole of the resolutions had been put.¹⁶⁰

The Committee finally rose and reported the resolutions — report ordered to be received on Tuesday.¹⁶¹

(634) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Gamble* reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Tuesday next.

Then, on motion of Mr. Solicitor General *Smith*, seconded by the Honorable Mr. Attorney General *Macdonald*,

The House adjourned.¹⁶²

Footnotes

1. *Globe*, 16 June 1856.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Toronto Daily Leader*, 14 June 1856.
12. *Globe*, 16 June 1856.
13. *Toronto Daily Leader*, 14 June 1856.
14. *Ibid.*
15. *Globe*, 16 June 1856.
16. *Toronto Daily Leader*, 14 June 1856.
17. *Globe*, 16 June 1856.
18. *Toronto Daily Leader*, 14 June 1856.
19. *Ibid.*
20. *Ibid.*
21. *Globe*, 16 June 1856.
22. *Toronto Daily Leader*, 14 June 1856.
23. *Globe*, 16 June 1856.
24. *Toronto Daily Leader*, 14 June 1856.
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*

28. *Toronto Daily Leader*, 14 June 1856. This paper follows with the remark: "The subject then dropped." It then reports a short summary of the proceedings regarding the Church of England's Bill (see pages 2637-2638), and finally returns to the debate regarding the invitation to Guelph, with its report of Mr. Smith's motion (see next paragraph). *Globe*, 16 June 1856, for its part, reports the debate in one continuous sequence. The reconstruction was achieved by following the *Globe*'s structure, as it facilitated the collation of the material with the *Journals*. The reader will note, however, that according to both of these sources, this was the first item to be discussed on that day.
29. *Toronto Daily Leader*, 14 June 1856. In a commentary, this newspaper also reports that Mr. H. Smith, "who had a notice on the paper that the House meet to-day [Saturday, 14 June 1856] at one and sit till six, professed to be sorry at this clashing between his motion and the invitation." *Globe*, 16 June 1856, differs from this source and reports that Mr. H. Smith wished by this motion "to test the feeling of the house, as to whether the invitation should be accepted".
30. *Toronto Daily Leader*, 14 June 1856.
31. *Globe*, 16 June 1856.
32. *Toronto Daily Leader*, 14 June 1856.
33. *Ibid.*
34. *Toronto Daily Leader*, 14 June 1856. *Globe*, 16 June 1856, reports that "the Solicitor General's motion was then agreed to by a vote of 38 to 32, which was equivalent to declining the invitation by the house as a whole." *Toronto Daily Leader*, 14 June 1856, reports the following comment: "Some members did not desire to sit at all to-day, and opposed both motions. The Government, if they had desired the House to see the works, ought to have accepted Mr. Drummond's amendment. The works will well bear inspection; and the best thing the Government could have done, if they were sincere in their intention to render aid to the work, would have been to afford the House an opportunity of seeing the magnificent structures between this city and Guelph."
35. *Toronto Daily Leader*, 14 June 1856.
36. *Globe*, 16 June 1856.
37. *Ibid.*
38. *Ibid.*
39. *Toronto Daily Leader*, 14 June 1856.
40. *Globe*, 16 June 1856.
41. *Globe*, 16 June 1856. According to this source, Mr. Gamble proposed the motion as an amendment to "the motion for the third reading of this Bill". *Toronto Daily Leader*, 14 June 1856, concurs with the *Journals* and reports that the motion was proposed *after* the bill had been read a third time, although it still reports it as an amendment.
42. *Toronto Daily Leader*, 14 June 1856.
43. *Globe*, 16 June 1856.
44. *Toronto Daily Leader*, 14 June 1856.
45. *Ibid.*
46. *Ibid.*
47. *Globe*, 16 June 1856.
48. *Ibid.*
49. *Toronto Daily Leader*, 14 June 1856. *Globe*, 16 June 1856, appears to report a more complete statement, however several words are missing due to a poor microfilm copy: "[In] Liverpool, London, New York, and other ... flour was bought by the quality, and by the ... brand, and no further inquiry was made ... [w]here it came from."
50. *Globe*, 16 June 1856.
51. *Toronto Daily Leader*, 14 June 1856.
52. *Globe*, 16 June 1856.
53. *Toronto Daily Leader*, 14 June 1856.
54. *Ibid.*
55. *Globe*, 16 June 1856.
56. *Toronto Daily Leader*, 14 June 1856.
57. *Globe*, 16 June 1856, differs from the *Journals* and reports the names of Messrs. Laberge and Loranger in the Nays, instead of those of Messrs. Labelle and LeBoutillier. *Toronto Daily Leader*, 14 June 1856, only reports that the division was: "Yeas, 21; Nays, 43."
58. *Globe*, 16 June 1856.
59. *Ibid.*
60. *Toronto Daily Leader*, 14 June 1856.
61. *Ibid.*
62. *Globe*, 16 June 1856.
63. *Ibid.*

64. *Toronto Daily Leader*, 14 June 1856.
65. *Globe*, 16 June 1856.
66. *Toronto Daily Leader*, 14 June 1856.
67. *Globe*, 16 June 1856.
68. *Toronto Daily Leader*, 14 June 1856. *Globe*, 16 June 1856, differs from this source and reports that the motion to go into Committee of the Whole was made by Mr. Cartier.
69. *Toronto Daily Leader*, 14 June 1856.
70. *Globe*, 16 June 1856.
71. *Toronto Daily Leader*, 14 June 1856.
72. *Ibid.*
73. *Globe*, 16 June 1856.
74. *Toronto Daily Leader*, 14 June 1856.
75. *Globe*, 16 June 1856. In a commentary, *Globe*, 14 June 1856, reports the following information: "Mr. Cayley made a long speech, in which, for the first time, he attempted to give some statistical statements of the condition of the Grand Trunk Company; but he spoke so indistinctly, and so vaguely, as to be hardly comprehensible to the members and reporters."
76. *Globe*, 16 June 1856.
77. *Toronto Daily Leader*, 14 June 1856.
78. *Globe*, 16 June 1856.
79. *Toronto Daily Leader*, 14 June 1856.
80. *Globe*, 16 June 1856.
81. *Toronto Daily Leader*, 14 June 1856.
82. *Ibid.*
83. *Toronto Daily Leader*, 14 June 1856. This report does not specify whether this question was asked by Mr. A. Dorion or Mr. J. Dorion.
84. *Toronto Daily Leader*, 14 June 1856.
85. *Ibid.*
86. *Globe*, 16 June 1856.
87. *Ibid.*
88. *Ibid.*
89. *Toronto Daily Leader*, 14 June 1856.
90. *Globe*, 16 June 1856.
91. *Toronto Daily Leader*, 14 June 1856.
92. *Globe*, 16 June 1856.
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. *Globe*, 16 June 1856. In a commentary, *Globe*, 14 June 1856, provides information on some statements that Mr. Cayley is said to have made in the course of the debate, but which are not reported in the verbatim accounts: "Mr. Brown replied to Mr. Cayley, and in the course of his speech, elicited from the Inspector General a declaration that he did not wish the aid to be given to the Upper Canadian roads, or to the line from Three Rivers to Arthabaska, but only to the Western extensions, to the Bridge, and to the road to River du Loup. Mr. Cayley would not say that he was in favour of building the last-named work, but he said the Company had promised to do so, and that the pledge should be fulfilled. When asked what the Province had to do with that pledge, he would make no answer." *Le Pays*, 17 June 1856, also in a commentary, provides similar information, as follows: "Pressé par l'opposition, M. Cayley déclara qu'il n'était pas en faveur de la construction des branches des Trois-Rivières à Arthabaska, de la Rivière du Loup, et des lignes subsidiaires dans le Haut-Canada, mais qu'il n'aurait voulu voir construire que l'extension à Sarnia et le Pont Victoria, — ce qui voulait clairement dire que le reste était inclus dans le seul but d'obtenir les votes des membres intéressés. Quant à la ligne de la Rivière du Loup, il dit qu'il fallait la construire parce que M. Ross et Sir Cusa[c]k Roney s'y étaient engagés envers MM. Cauchon et Chapais, par une lettre privée en date du mois de novembre 1854; il ne voulait pas que la province manque à la parole de ces deux individus." Mr. Brown refers to the agreement regarding the Rivière-du-Loup line in the following paragraph.
97. *Globe*, 16 June 1856.
98. *Toronto Daily Leader*, 14 June 1856.
99. *Globe*, 16 June 1856.
100. *Toronto Daily Leader*, 14 June 1856.
101. *Globe*, 16 June 1856.

102. *Toronto Daily Leader*, 14 June 1856.
103. *Ibid.*
104. *Ibid.*
105. *Ibid.*
106. *Ibid.*
107. *Globe*, 16 June 1856.
108. *Toronto Daily Leader*, 14 June 1856.
109. *Globe*, 16 June 1856.
110. *Toronto Daily Leader*, 14 June 1856.
111. *Ibid.*
112. *Globe*, 16 June 1856.
113. *Ibid.*
114. *Ibid.*
115. *Ibid.*
116. *Toronto Daily Leader*, 14 June 1856.
117. *Toronto Daily Leader*, 17 June 1856.
118. *Globe*, 16 June 1856.
119. *Toronto Daily Leader*, 17 June 1856.
120. *Globe*, 16 June 1856.
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Toronto Daily Leader*, 17 June 1856.
125. *Globe*, 16 June 1856.
126. *Ibid.*
127. *Ibid.*
128. *Ibid.*
129. *Ibid.*
130. *Toronto Daily Leader*, 17 June 1856.
131. *Globe*, 16 June 1856.
132. *Toronto Daily Leader*, 17 June 1856.
133. *Globe*, 16 June 1856.
134. *Toronto Daily Leader*, 17 June 1856.
135. *Globe*, 16 June 1856.
136. *Toronto Daily Leader*, 17 June 1856. In a short commentary, *Western Planet*, 25 June 1856, remarks that "Mr. Casault, who influences several votes, has announced his intention of opposing the project in its present form." *Globe*, 14 June 1856, in a commentary, reports the following information: "Mr. Casault, the member for Montmagny, rose and delivered a speech of so much ability and earnestness as to draw the fixed attention of the whole House. He said that he had no faith in the promises of ministers or of the Grand Trunk Company; that almost every pledge they had given had been broken, and that he for one would not trust either of them. As the scheme stood he would not vote for it; justice must be done to the section of the country from which he came. He then proceeded to assail the management of the Grand Trunk, and mentioned some very important facts connected therewith."
137. *Globe*, 16 June 1856.
138. *Ibid.*
139. *Ibid.*
140. *Ibid.*
141. *Globe*, 16 June 1856. In a commentary, *Globe*, 14 June 1856, provides the following additional information regarding Mr. Cauchon's speech: "Mr. Cauchon replied to Mr. Casault, but did it with so little effect that he was pulled down by his colleagues. He admitted, however, that he had no love for the men connected with the Grand Trunk, and that he particularly disliked Mr. Jackson." *Le Pays*, 17 June 1856, also reports similar information in a short commentary on this debate.
142. *Globe*, 16 June 1856. *Toronto Daily Leader*, 17 June 1856, reports that this gentleman "spoke at some length condemning the Grand Trunk scheme."
143. *Globe*, 16 June 1856.
144. *Ibid.*
145. *Ibid.*

146. *Globe*, 16 June 1856.
 147. *Ibid.*
 148. *Ibid.*
 149. *Ibid.*
 150. *Ibid.*
 151. *Ibid.*
 152. *Ibid.*
 153. *Toronto Daily Leader*, 17 June 1856.
 154. *Globe*, 16 June 1856.
 155. *Ibid.*
 156. *Ibid.*
 157. *Globe*, 16 June 1856. *Le Pays*, 17 June 1856, concurs with this information, whereas *Perth Courier*, 20 June 1856, reports a vote of 48 to 42, and *Toronto Daily Leader*, 14 June 1856, of 47 to 41. *Western Planet*, 25 June 1856, only reports that the scheme was adopted in committee "by a majority of six", but in a commentary, *Globe*, 14 June 1856, specifies that "the votes were counted by tellers, when it was found that there were forty-seven for the scheme, and forty-one by one account, but forty-two by another against it."
 158. *Globe*, 16 June 1856.
 159. *Ibid.*
 160. *Globe*, 16 June 1856. In its commentary on this debate, *Globe*, 14 June 1856, recalls the events surrounding the vote in the following manner: "The vote was called for loudly by the ministerial supporters, and Mr. Cayley moved that the resolution should be adopted. Mr. Brown at once said, that the question was a complicated one, and should be taken in sections, that it could not properly be voted upon in the lump. To this Ministers objected, and their supporters made as much noise as possible to drown the voice of the Opposition. Mr. Macdonald absolutely had the assurance to say, that the Grand Trunk and the Government had agreed upon the scheme, and that the House must accept it or reject it as a whole. For this, however, he was rebuked by Mr. Turcotte, and the Chairman of the Committee, Mr. Gamble, having said it was the right of any member to call for the division into sections, it was supposed by the opposition that the vote was to take place on the first clause. When, therefore, the chairman called on those in favour of the motion to rise, no objection was ... made, and members having passed to opposite sides of the House, the votes were counted by tellers.... The motion was declared to be carried, and to the astonishment of the Opposition, one of the ministers moved that the Committee rise and report the resolution as adopted. The Opposition resisted, and desired to appeal to the chair, but the Grand Trunkites being backed up by Sir Allan MacNab, Mr. Gamble decided most improperly to report the resolution. There cannot be the least doubt that the House was entitled to take a division in Committee on every point, in order to try the merits of each part of the scheme, and in tricking them out of that right, the ministry committed a great wrong."
- Le Pays*, 17 June 1856, reports the following information in its commentary: "Les résolutions furent adoptées par un tour de passe-passe, par 47 voix contre 42. Il avait été compris par l'opposition que les résolutions seraient mises aux voix séparément; et le président du comité, M. Gamble, avait déclaré que les membres avaient le droit de voter sur chaque résolution séparée, malgré que le ministère s'y opposât. Cependant lorsque la première résolution eut été mise aux voix et emportée l'un des ministres proposa de rapporter les résolutions comme adoptées, et M. Gamble y consentit. C'est de cette manière que le ministère en est rendu à emporter ses propositions." *Perth Courier*, 20 June 1856, reports the following comment: "Mr. Cayley's Grand Trunk Railroad scheme ... came up in committee of the whole. The Ministry insisted that the scheme should be put as a whole and voted upon. The Opposition contended that each item should be taken up and voted upon separately. The Chairman put the question, when the House divided, and the resolution was declared carried by a vote of 48 to 42. A dispute followed as to whether the division was on the whole scheme or merely on the resolution. The Chairman decided for the whole scheme, and thus by a miserable shift Cayley got his 'Omnibus' swindle through committee."
- Toronto Daily Leader*, 14 June 1856, also reports a commentary on the vote in committee, as follows: "Some angry discussion followed the vote on the ministerial proposal; members of the opposition contending that the vote was only on the first item of the scheme, and the government declaring that it was on the entire proposal. Mr. Gamble, who was in the chair, took the ministerial view of the case. The government showed the most extreme trepidation to have each item of their scheme submitted to a distinct vote; Mr. Attorney General Macdonald alleging that as the scheme was one provisionally agreed upon between the government and the Grand Trunk authorities, it must either be adopted as a whole or not at all; seeing that if any part of it were altered it might no longer meet the acceptance of the parties for whose benefit it was intended. The vote having been declared to be upon the whole scheme, no amendment could be proposed in committee to the different items. When the question of concurrence in the report of the committee comes up, no doubt any amendments intended to have been moved in committee will be proposed, in the shape of the instruction to the committee to which it will be attempted to send back the question."

161. *Globe*, 16 June 1856. *Toronto Daily Leader*, 14 June 1856, notes in its commentary, that "from four o'clock last evening to one o'clock this morning, the House was engaged in discussing the Grand Trunk resolutions of the Government.... With a feeble majority of six, Ministers did not seem disposed to risk a vote on the question of concurrence in the proposal of the report of the Committee; and the House adjourned. Some opposition members were absent; and it is probable that some who voted for the scheme in committee may go against it when the question of concurrence in the report comes up. It is quite within the bounds of possibility that ministers may be defeated on that question.... A change of four votes would leave the Government in a minority and blow their schemes to atoms. Less than that would do it, if absent members of the Opposition turn up. Both the scheme and the Government are therefore obviously in a most critical position." A commentary regarding Mr. Cayley's resolutions is also reported in *Toronto Daily Leader*, 16 June 1856.
162. *Globe*, 16 June 1856, reports that the House adjourned at one o'clock in the morning.

SATURDAY, 14 JUNE 1856

(634)

THE following Petition was brought up, and laid on the table: —

By Mr. *Wright*, — The Petition of the Municipality of the Township of *Elderslie*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *D. Hatton* and others, of *St. Pascal*; and of *P.T. Casgrain* and others, of *Rivière Ouelle*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of the Municipality of the Township of *Howick*; praying for certain amendments to the Assessment Law of *Upper Canada*.

Notice being taken that there was no Quorum; the names of the Members present were taken down, as follow: —

Mr. Speaker,

Messieurs Attorney General *Cartier*, *Cook*, *Crysler*, *Jean Baptiste E. Dorion*, *Antoine Aimé Dorion*, *Foley*, *Frazer*, *Jobin*, *John Sandfield Macdonald*, *Marchildon*, *Merritt*, *Mongenais*, *Polette*, *Prévost*, *Taché*, *Valois*, and *Wright*.

And at a quarter past Eleven o'clock in the forenoon, the House was adjourned by Mr. Speaker, without a Question first put.¹

Footnote

1. *Toronto Daily Leader*, 17 June 1856, reports the following information: "The Speaker having taken the chair at eleven o'clock the House was counted out, on motion of Mr. Cassault [sic], and the attendance being limited to some 18 or 19 members, the Speaker declared there was no quorum and adjourned the House until noon on Monday." It should be noted, however, that Mr. Casault's name is not in the list of Members present at this sitting. *Globe*, 16 June 1856, concurs with the *Journals* and reports that "there were 18 members present". *Montreal Gazette*, 16 June 1856, gives the following information: "The Guelph Railroad opened to-day, and most of the Members have gone there." *Le Pays*, 17 June 1856, reports similar information.

MONDAY, 16 JUNE 1856

(635)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Gill*, — The Petition of the Municipality of the Parish of *St. David*.

By Mr. *Holton*, — The Petition of the City of *Toronto* Water Company.

Pursuant to the Order of the day, the following Petition was read: —

Of the Municipality of the Township of *Elderslie*; praying for certain amendments to the Assessment Law of *Upper Canada*.

On motion of Mr. *Holton*, seconded by Mr. *Prévost*,

Ordered, That the Petition of the City of *Toronto* Water Company be now received and read, and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying that the Bill to alter and further amend the Act incorporating the Metropolitan Gas and Water Company of the City of *Toronto*, may not become Law.

Mr. *Jobin*, from the Standing Committee on Contingencies, presented to the House the Ninth Report of the said Committee; which was read, as followeth: —

Your Committee having had laid before them a Letter addressed by the Clerk of Your Honorable House, to Mr. *Paul Kane*, on the subject-matter of their Sixth Report, and Mr. *Kane's* answer thereto; and which answer appearing satisfactory to Your Committee, they recommend that that portion of the said Sixth Report relating to Judiciary proceedings be rescinded, and that further action be suspended until next Session, by which time Mr. *Kane* has promised to place the twelve Paintings in the hands of the proper Officer of the House.

Mr. *Jobin* moved, seconded by Mr. *Jean Baptiste Eric Dorion*, and the Question being put, That this House doth concur in the Ninth Report of the Standing Committee on Contingencies; the House divided: — And it passed in the Negative.¹

Mr. *Stevenson* reported from the Select Committee on the Bill to provide a Standard of Weights for Roots, Seeds, and Dried Fruit, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Conger* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

MR. HARTMAN moved that the time for the sittings of the Private Bills Committee be extended to the 20th inst.²

MR. BROWN suggested that it would expedite matters, if the Government would state when they intended to bring the business of the session to an end.³

MR. AT. GEN. J.A. MACDONALD said the Government were exceedingly anxious to bring the session to an end. (Hear, hear and laughter.) But there were some important measures on the paper which must be got through. If the hon. gentlemen would state to what length they intended to prolong the debate on the Estimates, Seat of Government, Grand Trunk, and North Shore Railroad measures,

then the Government would be able to answer the question. By Wednesday next, he hoped they would have made such progress in these measures as would enable them to give a specific answer.⁵

The motion was then agreed to.⁶

(635)

On motion of Mr. *Hartman*, seconded by Mr. *Antoine Aimé Dorion*,
Ordered, That the time for receiving Reports on Private or Local Bills be further extended from Friday the thirteenth to Friday the twentieth instant.

The Order of the day for the third reading of the Bill for incorporating and granting certain powers to the *Canadian Loan and Investment Company*, being read;

The Honorable *John Sandfield Macdonald* moved, seconded by Mr. *Roderick McDonald*, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow: —

(636)

YEAS.

Messieurs *Alleyn, Bell, Biggar, Brown, Attorney General Cartier, Cayley, Chapais, Conger, Cook, Crawford, Crysler, Daly, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Felton, Foley, Thomas Fortier, Fournier, Frazer, Gamble, Holton, Jobin, Labelle, LeBoutillier, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Matheson, Mattice, Mongenais, Patrick, Polette, Poulin, Pouliot, Prévost, Rankin, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Stevenson, Thibaudeau, and Valois.* — (51.)

NAYS.

Messieurs *Charles Daoust, Darche, Jean B.E. Dorion, Hartman, Marchildon, and Wilson.* — (6.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable *John Sandfield Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to incorporate the *Mount Pleasant Seminary Association*, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to authorize the Court of Chancery, and Courts of Queen's Bench and Common Pleas in *Upper Canada*, to admit *Thomas Wright Lawford* to practise as a Solicitor and Attorney, being read;

The Honorable Mr. Attorney General *Macdonald* moved, seconded by Mr. *Crawford*, and the Question being proposed, That the Bill be now read a second time;

Mr. *Jean Baptiste Eric Dorion* moved in amendment to the Question, seconded by Mr. *Jobin*, That all the words after "That" to the end of the Question be left out, and the words "all *British* subjects should be placed upon a footing of equality before Courts of Justice in *Canada*. That for this reason no privilege in this respect should be granted to any class of society; and that it be declared that hereafter no special Law or admission shall be necessary to enable *British* subjects to practise before any Court in *Canada*" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Darche, Jean B.E. Dorion, Hartman, Jobin, Marchildon, Patrick, and Poulin.* — (8.)

(636-637)

NAYS.

Messieurs *Alleyn, Bell, Biggar, Bowes, Bureau, Attorney General Cartier, Chabot, Chapais, Chisholm, Conger, Cook, Crawford, Crysler, Daly, Charles Daoust, Desaulniers, Dionne, Antoine A.*

Dorion, Dostaler, Dufresne, Evanturel, Felton, Foley, Thomas Fortier, Fournier, Frazer, Gill, Holton, Labelle, Laberge, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Matheson, Mattice, Mongenais, Angus Morrison, Polette, Pouliot, Prévost, Rankin, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Stevenson, Taché, Thibaudeau, Valois, and Wilson. — (54.)⁷

(637)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, for *Upper Canada*, to admit *Geoffrey Hawkins* to practise as an Attorney and Solicitor therein respectively, being read;

On motion of MR. AT. GEN. J.A. MACDONALD, in absence of Mr. [J.] Morrison,⁸

(637)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the *Lower Canada Municipal and Road Act* of 1855, and to erect *St. Lambert* into a separate Municipality, being read;

On motion of MR. JOBIN,⁹

(637)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to confirm the respective Titles of *George Robinson Van Norman*, and others, to certain Lands in *Windham* and *Simcoe*, in the County of *Norfolk*, being read;

On motion of MR. FOLEY,¹⁰

The Bill ... was, after some discussion, read a second time¹¹.

(637)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Mayor, Councilmen, and Commonalty of the City of *London*, to sell the land granted for a common Burial Ground or Potters' Field, and to purchase other lands for the same purpose out of the limits of the said City, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

On motion of MR. HOLTON,¹²

(637)

The House, according to Order, again resolved itself into a Committee on the Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Hartman* reported, That the Committee had gone through the Bill, and made amendments thereunto.¹³

Ordered, That the Report be now received.

Mr. *Hartman* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

(638) The Order of the day for the second reading of the Bill to legalize a certain By-Law of the Municipality of the Township of *Cornwall*, being read;

MR. CRYSLER moved the second reading ... and spoke at some length in explanation and defence of his measure.¹⁴

DR. McDONALD opposed the Bill, and said the By-law in question had been passed in direct opposition to the wishes of three-fourths of the inhabitants of the township. He moved in amendment that it be read a second time this day six months.¹⁵

MR. SOL. GEN. H. SMITH, [and] MESSRS. J.S. MACDONALD, CHISHOLM, and MARCHILDON ... [made] some remarks¹⁶.

The amendment was negatived¹⁷.

(638) Mr. *Crysler* moved, seconded by Mr. *Chisholm*, and the Question being proposed, That the Bill be now read a second time;

Mr. *Roderick McDonald* moved in amendment to the Question, seconded by the Honorable *John Sandfield Macdonald*, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Felton, Foley, Frazer, Gamble, Gill, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Marchildon, Mattice, Murney, Papin, Patrick, Prévost, Rankin, Rhodes, Valois, and Wilson*. — (28.)¹⁸

NAYS.

Messieurs *Bell, Biggar, Bowes, Attorney General Cartier, Casault, Cauchon, Chabot, Chapais, Chisholm, Conger, Cook, Cryslér, Daly, Dionne, Dostaler, Ferres, Thomas Fortier, Octave C. Fortier, Guévremont, Jackson, Lemieux, Attorney General Macdonald, Masson, Mongenais, Angus Morrison, Poulin, Pouliot, Solicitor General Ross, James Ross, Solicitor General Smith, Spence, Stevenson, Taché, and Turcotte*. — (34.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. A. DORION,¹⁹

(638) The House, according to Order, again resolved itself into a Committee on the Bill to amend the provisions of the several Acts for the Incorporation of the City of *Montreal*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Papin* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Papin* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to authorize the Courts of Queen's Bench, Chancery, and Common Pleas, to admit *Benjamin Walker* to practise as an Attorney and Solicitor therein respectively, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to separate the County of *Victoria* from the County of *Peterborough*, and to fix the County Town at *Lindsay*, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

(639)

The Order of the day for the second reading of the Bill to admit *Hewitt Bernard* to practise as an Attorney and Solicitor in the Courts of Law and Equity in *Upper Canada*, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill for the Incorporation of the *Saugeen* Harbour Company;

MR. MERRITT wished the Solicitor General to explain if this Company would be allowed to receive toll. It would be monstrous if the Harbour was built by the public money, to allow a private Company to receive toll.²⁰

MR. SOL. GEN. H. SMITH explained that the Company would only receive toll for the outlay which they themselves would make on the Harbour.²¹

MR. MACKENZIE objected to the bill. The Saugeen Harbor was, he said, a rascally affair.²²

The committee rose and reported the bill without amendment.²³

(639)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Dufresne* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

And the Question being proposed, That the Report be now received;

MR. MACKENZIE denounced the project, as by it the commissioners were empowered to levy an additional tax on the people.²⁴

MR. SOL. GEN. H. SMITH and MR. AT. GEN. J.A. MACDONALD explained that this Company had received no power of a different nature from similar Companies.²⁵

MR. MACKENZIE maintained that, being a money bill, this measure should originate in committee of the whole.²⁶

MR. AT. GEN. J.A. MACDONALD said that the Bill no more imposed a tax than a railway Bill. It merely enabled a company to charge, for their own outlay, and in that point of view it was not at all necessary that the measure should have originated in a Committee of the whole House.²⁷

MR. J.S. MACDONALD supported the view taken by Mr. Mackenzie.²⁸

MR. SICOTTE the SPEAKER decided that so much of the Bill as affected the trade of the country, by imposing tolls, should originate with a Committee of the whole House.²⁹

MR. SOL. GEN. H. SMITH then moved that the report be not now received, but be referred back to Committee of the whole, with instructions to the Committee to strike out the provisions of the said bill, authorizing the levying of tolls.³⁰

(639)

On motion of Mr. Solicitor General *Smith*, seconded by the Honorable Mr. Attorney General *Macdonald*, the Question was amended, by leaving out all the words after "That" to the end of the same, and inserting the words "the Bill be recommitted to a Committee of the whole

House, with an Instruction to leave out the provisions of the said Bill authorizing the levying of Tolls" instead thereof;

Then the main Question, so amended, being put;

Ordered, That the Bill be recommitted to a Committee of the whole House, with an Instruction to leave out the provisions of the said Bill authorizing the levying of Tolls.

On motion of MR. SOL. GEN. H. SMITH,³¹

(639)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Dufresne* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Dufresne* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal Cemetery Company*;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Jean Baptiste Eric Dorion* reported, That the Committee had gone through the Bill, and made Amendments thereunto.

Ordered, That the Report be now received.

Mr. *Jean Baptiste Eric Dorion* reported the Bill accordingly; and the Amendments were read, as follow: —

Page 4, line 37. After "poor" insert "belonging to the several denominations mentioned in the third Section of this Act."

Page 7, line 23. Leave out from "disturbed" to "This" in page 9, line 30.

Page 9, line 30. Leave out from "Public Act" to the end of the Section.

The said Amendments, being read a second time, were agreed to.

Ordered, That the Bill, with the Amendments, be read the third time To-morrow.

The House, according to Order, again resolved itself into a Committee on the Bill to amend the Act incorporating the *Bond Head Harbour Company*, to increase the Capital Stock of the said Company, and for other purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Gill* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

(640)

Ordered, That the Bill be read the third time To-morrow.

The Order of the day being read, for resuming the further consideration of the Previous Question, That that Question, (The best interests of *Upper* and *Lower Canada* would be promoted by a repeal or dissolution of the Political or Legislative Union now subsisting between these Sections of the Province of *Canada*,) be now put;

MR. MACKENZIE moved that the further adjourned debate on his motion for the Repeal of the Union, and the Hon. Mr. Cartier's motion for the previous question, be struck out.³² (Laughter.)³³

(640)

Ordered, That the said Order be discharged.

The House, according to Order, resolved itself into a Committee on the Bill to amend and consolidate the Laws relative to the Governors of the *Kingston General Hospital*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Stevenson* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *Canada Marine Insurance Company*; and after some time spent therein, Mr. Speaker

resumed the Chair; and Mr. *Turcotte* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to incorporate the *British Farmers' Union Insurance Company*, being read;

On the motion of MR. BIGGAR,³⁴

(640) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Transatlantic Telegraph Company;

MR. AT. GEN. CARTIER and MR. CHABOT objected to the second clause of the bill — as Labrador, a portion of the territory through which thia [sic] line was proposed to be run, was outside the limits of the Province.³⁵

MR. HOLTON objected on the ground that it would destroy the bill.³⁶

MR. AT. GEN. CARTIER explained that it was his duty, as Crown officer, to state this. His only intention was to move in amendment to this clause, that the word “Labrador” be struck out, and the words, “on the eastern coast of British North America, and within the jurisdiction of Canada” be inserted instead thereof.³⁷ The Government had no objection to the principle of the Bill, but ... the Coast of Labrador was mentioned in the Bill, and over that territory the Government of Canada had no jurisdiction.³⁸

MR. MERRITT said it was the first time that [the] House had been made aware that Labrador was inside [sic] the jurisdiction of the Province.³⁹

MR. HOLTON explained that he understood that the Government were influenced in their opposition to this measure by the representations of Mr. Field, the agent of a rival company.⁴⁰

MR. AT. GEN. CARTIER answered that ... [the suggestion] had come directly from the Governor of Newfoundland to the Governor General of Canada.⁴¹ The Government, as such, were not opposed to the bill; and he had not been influenced against the bill by any person.⁴²

MR. CHABOT said, that it would meet the objects of the company to have the North Eastern Boundary of Canada substituted for the coast of Labrador.⁴³

The Chairman [MR. SOMERVILLE] then put the following amendment, proposed by Mr. Cartier: “That the words ‘coast of Labrador’ be struck out, and that the words ‘the eastern boundary of British North America within the jurisdiction of Canada,’ be substituted.”⁴⁴

MR. HOLTON finally agreed to the amendment⁴⁵.

The amendment was agreed to⁴⁶, and the remaining clauses were put and carried.⁴⁷

[The] Committee rose and reported the bill as amended.⁴⁸

(640) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Somerville* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Somerville* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend "An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of *Quebec*, and to vest more ample powers in the Corporation of the said City and Town," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to cancel so much of the Letters Patent setting apart certain Lands for the endowment of a Rectory in the Township of *Warwick*, as regards lot number twenty-five in the first Concession South of *Egremont* Road in the said Township, being read;

On the motion of MR. SOL. GEN. H. SMITH,⁴⁹

(640)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to naturalize *Alfred Falkenberg*, being read;

On the motion of MR. FELTON⁵⁰,

(641)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill further to amend the Act for the formation of Incorporated Joint Stock Companies for manufacturing and other purposes, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to amend the Act 18 *Vic.* cap. 106, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to amend the Act relative to Imprisonment for debt, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to vest certain portions of certain original allowances for Roads in the Township of *Saltfleet*, in the County of *Wentworth*, in *John Robert Martin*, his heirs and assigns, in lieu of certain portions of lots thirty and thirty-one in the third Concession of said Township, taken and used for such Roads, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Members of the United Church of *England* and *Ireland* in *Canada*, to meet in Synod, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *Norfolk, Brant, and Wentworth* Railway Company;

MR. FREEMAN objected to the Bill from beginning to end, on the ground that it interfered with the Hamilton and Port Dover road⁵¹, which is sustained by municipal provision. Under the circumstances, it seemed to him highly imprudent to incorporate the line.⁵² He called the attention of the house to the fact that last session they had refused to grant charters to both of two rival lines, viz: from Hamilton to Waterville and from Hamilton to Dover,⁵³ [which Bills] were brought into the railway committee ... by the hon. and gallant knight,⁵⁴ and that consistently with this principle they ought to refuse to sanction this Bill which was more antagonistic to the Hamilton and Dover road than the Waterville line would have been.⁵⁵

SIR A. MACNAB said he thought the introduction of this Bill the most extraordinary course that had ever been taken in this house. Last session the hon. member for Waterloo was the principal means of preventing the line of road from Hamilton to Waterville, [this session he] had actually procured the rules of this house to be suspended in order to bring in this Bill, authorising a road from Simcoe which would intersect the Great Western Railway, and almost run parallel [sic] to the Hamilton and Dover road.⁵⁶ The citizens of Hamilton had taken stock to a large extent, £50,000, in that line, the right of way had been purchased, and they even commenced to erect the terminus. But application was made to the House to extend the time for the completion of the line, and that application was granted. In the meantime, however, the hon. member for Waterloo, stealthily introduced this bill, which would most effectually ruin the other line. He would therefore move that the committee rise.⁵⁷

MR. FOLEY said that he held in his hand a petition signed by some of the most respectable inhabitants of Hamilton, praying that his bill might pass, as it would be of great benefit to the district.⁵⁸ He said that the course he had taken had been misrepresented by the gallant knight, and that if any deception had been practised it was last session by the hon. and gallant knight and his friends⁵⁹. The object of the bill was ... to incorporate a line which would draw the traffic from the proposed Southern Railway Company to the city of Hamilton. The fact was that in 1852, Mr. Zimmerman obtained a charter for the Hamilton and Port Dover line. But last Session they surreptitiously introduced a clause into the bill, under the pretext of incorporating the Hamilton and Waterville line, which would [sic] have the effect of preventing the completion of the Southern line; and they succeeded in their object.⁶⁰ [He (Mr. Foley) could not account for the opposition to this Bill of the hon. member for Wentworth, except on merely selfish grounds, and that he was willing to sacrifice the interests of his constituents, because he himself lived in the city of Hamilton. All he (Mr. Foley) had done last session was to call on the hon. gentlemen and their friends to elect which of their charters — the Hamilton and Dover, or the Hamilton and Simcoe — they would retain. They had, however, built neither⁶¹ the Hamilton and Port Dover Railway, nor the Hamilton and Waterville or Simcoe line, but held the charters of both lines in their hands in order to prevent the Southern line being completed. He merely asked permission to allow the Norfolk, Brant and Wentworth line to construct a railway from their own means in order to unite with the Great Western.⁶² The projectors of the Bill now before the House asked no aid from government or from any municipality, and all they asked to do as a private enterprise was supported by the people of all the country through which the line was designed to pass.⁶³

SIR A. MACNAB said that the hon. member for Waterloo had caused the clause incorporating the Hamilton and Port Dover Railway, to be struck out in committee, and then introduced his bill to incorporate the rival line.⁶⁴ The petition from Hamilton, which the hon. member had read, was from parties who owned the land at Fairchild's Creek, over which this line, if that bill were passed, would go. Another petition was from the locality where the hon. gentleman himself lived.⁶⁵ But nearly all the commercial men of Hamilton, and neighbouring Municipalities had petitioned against the bill of the hon. member

for Waterloo.⁶⁶ The hon. and gallant knight then read several petitions from Hamilton and elsewhere against the bill.⁶⁷

MR. POST. GEN. SPENCE supported the bill. It did not merely concern Hamilton interests, but was to pass through⁶⁸ one of the finest agricultural districts of Western Canada⁶⁹, the people of which were most anxious that the bill should pass.⁷⁰ The Municipality of Dundas was also much interested in this measure — several of the leading gentlemen having written to him to advocate its passage. He therefore hoped the bill would be proceeded with.⁷¹

SIR A. MACNAB did not know how the constituents of the Postmaster General could be interested in this line, as it gave them no *depot* at Dundas.⁷²

MR. POST. GEN. SPENCE quoted the names of several of his constituents who were in favour of this bill, and he submitted that they were the best judges of their own interests.⁷³

After a short discussion, the House divided on the motion that the committee rise, which was carried⁷⁴ by a majority of 35 to 17.⁷⁵

(641)

and after some time spent therein, Mr. Speaker resumed the Chair.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *Queenston* and Great Western Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Felton* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by *John Fenning Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have agreed to the Amendment made by this House to the Bill, intituled, "An Act to enable the Members of the United Church of *England* and *Ireland* in *Canada*, to meet in Synod," without any Amendment.

And then he withdrew.

The Order of the day for the second reading of the Bill to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*, being read;

MR. COM. CR. LANDS CAUCHON moved the second reading of the bill⁷⁶. [He] hoped that there would now be no discussion on this measure⁷⁷ before the resolutions authorising the grant of land, were before the House.⁷⁸ The second reading would merely recognise the Incorporation of the Company, and the resolution[s] empowering a grant of land could be discussed or objected to in committee.⁷⁹

MR. BROWN said that this was not merely an Incorporation Bill, and called the attention of the house to a clause which enacted that a grant of land should be set apart for the purposes of this Act, and if the second reading were allowed, the principle of making the grant would be recognised, and the only question remaining would be as to the quantity.⁸⁰

MR. HOLTON could not understand how this Bill — which concerned a grant of millions of acres — could be called a private one.⁸¹ [He] thought it unfair to press a public measure on an occasion set apart for private bills.⁸²

MR. AT. GEN. J.A. MACDONALD said it was a private bill. — The clause objected to by the hon. member for Lambton⁸³ had merely been inserted, as was always the practice, to show where it would stand

in the Bill, and merely for the sake of convenience.⁸⁴ The bill before the House was merely for the purpose of incorporating the Company. The resolutions for the grant of land should of course come up in committee of the whole.⁸⁵

MR. BROWN repeated his denial that this was merely a Bill to incorporate a company. The whole Bill was one scheme, and its essence was the grant of four millions of acres for the purpose of constructing the line.⁸⁶

MR. MACKENZIE thought the Government of Canada was a body whose proceedings were quite as vague as its [n]ame.⁸⁷ [He] wished they had that wonderful gentleman the President of the Council in the house to tell them what was the meaning of calling this a private Bill — a Bill which was to grant four millions of acres, he did not know how many thousand square miles.⁸⁸ By the act before the House, he saw they styled this bill a public measure — as reasonable beings would do — but by their own declarations, he was instructed that [it] was no such thing — it was a private measure.⁸⁹ (Laughter.)⁹⁰ Being possessed of a Scotch conscience, he could not for the life of him, reconcile the two statements. They were, however, on a par with the bill itself, which proposed to hand over to the cormorants at the head of affairs, 4,000,000 acres of the public domain, to establish a railway which was to be begun nobody knew where, and whose termination was equally mysterious.⁹¹

MR. SICOTTE the SPEAKER ruled that it was a private bill.⁹²

MR. HOLTON suggested that the second reading of the Bill should be allowed to stand over.⁹³

MR. AT. GEN. J.A. MACDONALD would not consent to this.⁹⁴

MR. J.S. MACDONALD thought that this was analogous to the Grand Trunk scheme, and was brought before the house under such circumstances that he must conscientiously oppose the Bill, no matter how hon. gentleman [sic] on the ministerial side of the house might call his vote factious.⁹⁵

MR. BROWN again contended that this was not a private Bill. The proper course would have been to have brought forward the resolutions for the grant of four millions first, in a Committee of the whole house, and then, if those resolutions were passed, a Bill might have been founded on them. But he submitted that there was no parallel for the course which the Ministry now attempted to adopt. They called on the house first to carry the Bill, and then the very essence of it, it was said, would be filled in afterwards. This was not like an ordinary Railway Bill; nor was his opposition to it like opposing the second reading of any Railway Bill; and he was sure that, if it had been expected that this Bill would have come on to-day along with the private Bills, many more hon. members would have been present to oppose it. Why, the grant was the whole question, and he would like to know, if the grant were not made, whether the Railway would be proceeded with. He would move that the Bill be read a second time that day six months.⁹⁶

MR. MACKENZIE rose, and ... [spoke] in opposition to the Bill⁹⁷.

Six o'clock having struck, MR. SICOTTE the SPEAKER left the chair.⁹⁸

(642)

The Honorable Mr. *Cauchon* moved, seconded by the Honorable Mr. *Chabot*, and the Question being proposed, That the Bill be now read a second time;

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Mackenzie*, That the word "now" be left out, and the words "this day six months" added at the end thereof;

It being Six o'clock, Mr. Speaker left the Chair.

At half-past Seven o'clock, Mr. Speaker resumed the Chair.

The House then proceeded to take into consideration the Report of the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House.

Mr. *Ferres* moved, seconded by Mr. *Stevenson*, and the Question being proposed, That the Report be now received;⁹⁹

MR. WILSON ... moved in amendment — “That the report be not now received, but that it be resolved that the evidence adduced before the said committee completely fails to substantiate any of the charges against Mr. Brown.” Mr. Wilson said — When I had the honour of last addressing this House, when the report was first brought in, the printed evidence was not before the House and hon. members had had no opportunity of comparing it with the report of the committee. I therefore forebore on that occasion from making any other than general statements; but since the evidence is now before the House, I will with your permission institute a comparison between the evidence said to be falsified in the printed report, and the original evidence; and I think I shall be able to show most conclusively that that which is charged as a falsification is in fact no falsification. But this was really not the question referred to the committee. The question referred to them was not what the report contained, not what the Commissioners said with reference to the matters submitted to them, but it was as to the part Mr. Brown took as Secretary to the Commission, when the evidence was being given before it, and while that evidence was in his custody as the Secretary of the Commission. Honourable members will recollect that there were five members of that Commission, of whom Mr. Brown was one, and that in addition to being one of the Commissioners he acted as Secretary, and that the charges made against him had reference to him both as Commissioner and as Secretary. Now I will repeat those charges, for although they must be familiar to every member of the House, it is important that they should bear them strongly and distinctly in mind. The first of the charges was — “with having recorded falsely the evidence of witnesses examined before the said Commission.” Now one would suppose at once that this meant, as no doubt every hon. member understood it did mean, that Mr. Brown, taking advantage of his position as Secretary to that Commission, recorded falsely what the witnesses said when they were giving evidence before the Commission. Will any hon. member stand up and say that he understood it in any other sense? I say no one can. Every hon. member understood, the House understood, and the country understood, that Mr. Brown was charged with having taken advantage of his position as Secretary to that Commission, to record falsely the evidence which witnesses gave before the Commission. The next charge was — “with having altered the written testimony given by witnesses, after their evidence was closed and subscribed.” Now, Sir, the proceedings before that Penitentiary Commission and the evidence taken before them, was subscribed by every witness in the presence of the Commission. What then was Mr. Brown charged with doing? With having, as Secretary, altered the written evidence after it was closed and subscribed. Now could any hon. member understand that the charge meant anything else than this — that it meant that Mr. Brown, as secretary, holding the custody of the written records of the commission, availed himself of the opportunity, for base purposes, to alter and falsify that written testimony, after it had been subscribed? These are the first two branches of the accusations. The next two are different, but are quite as grave. “Third — with having suborned convicts to commit perjury.” And surely there can scarcely be a greater crime, while there is none more susceptible of proof. “And fourthly — with having obtained the pardon of murderers confined to the Penitentiary to induce them to give false evidence; or, in words substantially to the same effect.” The inquiry of the committee was not confined to the express words here put down, but to “words substantially to the same effect” — and we cannot conceive anything substantially to the same effect, but what these words expressly meant. The charges are put as pointedly as language can put them. “And the said Hon. John A. Macdonald having pledged himself to substantiate these charges, that a committee of seven members, be appointed to inquire and report with all convenient speed as to the truth of the said charges, with power to send for persons, papers, and records.” Sir, that committee have met, and have reported, and we come now to look at their report, and to compare it with the evidence by which it professes to be sustained. Let hon. members turn to that report, and I will read it. As I had the honour to say

the other evening, the duty of the committee was to say in fact, whether these charges were true or false. That was the simple and sole inquiry — were these charges true or false — or any of them? — because if one was true although the rest were false, I say that hon. member was branded with infamy, and the inquiry was, were they true or any of them. And what is the answer of the committee? Yes, or no, to any of these charges? No, Sir, but this report is the answer. And, as a preliminary observation I would also remark, that in their report they do not say what the charges were, but have put it in this manner: —

“The select committee appointed to inquire and report as to the truth of *certain charges* made in the course of debate, by the hon. John A. Macdonald, Attorney General West, against Mr. George Brown, a member of the house, while acting, in 1848, as a member and secretary of the commissioners appointed by government to inquire into the condition of the Provincial Penitentiary” —

Now sir, I have always considered that, when men sit in judgment, they should state upon what points they intend to give judgment. Has that been stated fairly in this case? Could a stranger, in reading this, imagine that the committee were going to report fairly on the charges submitted to them?¹⁰⁰

MR. FERRES. — That is corrected?¹⁰¹

MR. WILSON. — Ah! That has been corrected, has it? Well.

“Beg leave to report,

“That in obedience to the order of reference of your honourable house, of 27th February last, your committee have fully and carefully examined into the charges therein contained, and herewith beg leave to submit the whole proceedings had by them, and evidence taken before them, in connection with the subject.”

Now here is the judgment of the majority of the committee, to which I can by no means assent.

“Your committee having maturely considered the same evidence, and diligently compared the testimony submitted to the government by the Penitentiary Commissioners in 1849, with the written testimony taken by them, are of opinion that the testimony so reported by the said Commissioners, is not the true testimony given before them; they are further of opinion that to persons such as the witnesses brought before your committee, acquainted with the complete evidence as really given, it would appear, that if the evidence reported by the commissioners, was the evidence written down by their Secretary, there was a falsification of the original testimony. But how far Mr. Brown, who conducted the affairs of the commission, and was in fact the secretary also, was to blame separately from his colleagues, your committee express no opinion.

“With reference to the subornation of perjury, and the promise of pardon to convicts to give evidence, your committee find that nearly all the witnesses, being officers of the Penitentiary, who had given evidence in favour of Mr. Smith, the warden, were dismissed, and that several, who had been dismissed by the Warden, were reinstated, after having given evidence before the Commissioners against him.

“Your committee also find that two convicts who had given evidence against the Warden, were recommended for pardon by the Penitentiary Commissioners, soon after the close of their proceedings, by letters of Mr. Brown, the Secretary; and that the pardon of one, was recommended not to be intimated to the convict, until after his testimony should have been secured, and it was sworn to by two witnesses, before the Commissioners themselves, that the said convict had made no secret of his expected pardon.

“Your committee, in conclusion, have to express their regret that Mr. Attorney General Macdonald, although he had made similar charges against Mr. Brown and the Penitentiary Commissioners in 1850 and 1851, in the performance of his duty as a member of Parliament, on information given him by one of his constituents, should have allowed himself, in the heat of debate, to reiterate them, in the position he occupied in your honourable house.

“The whole nevertheless humbly submitted.”

Now, sir, if any one can say that this is an answer to the question of guilty, or not guilty, on these several charges, I cannot agree with him. I know that minds are differently constituted. I know that, in the jar

of political strife, amidst the distracting influences which surround us here on every side, our perceptions may be clouded, our minds may wander, and our judgments may be warped. I know that what is convincing evidence to one man, is not convincing evidence to another. And God forbid that I should impugn his motives, who should draw a different conclusion than I should from complicated circumstances. But, when facts are so plain as to admit of no ambiguity, no doubt, no question, I can only say that I cannot conceive how any reasonable and unbiassed man can arrive at a different conclusion from another, when he has fairly examined the same facts. But let us examine this report. At page 25, are given seven cases of alleged falsification of evidence, and another is added at page 138 — eight cases in all — in which it is alleged that the evidence has been falsified in the report made by the Commissioners to the Government. The whole charge is, that parts of the evidence were left out. Now, look at page 114 of the printed report made by the Commissioners to the Government, and you will find the following: —¹⁰²

“We lost no time, after Mr. Smith closed, in proceeding to *sift the evidence* before us; and as over 1300 pages of testimony were recorded on our minutes, the task was not a light one. We have weighed the testimony with great care, and now respectfully present the charges, *with a digest of the evidence thereupon, as the result of our deliberations.*”

Sir, the very last clause of the preliminary observations made to the Government, as well as every particular of the evidence quoted, shows that it was not all quoted, that it was never intended to be all quoted, but was a mere digest. “We have weighed the testimony with great care, and now respectfully present the charges, with a digest of the evidence thereupon, as the result of our deliberations.” Was not that a notice to the Government that all the evidence was not given? Was it not a notice to every dispassionate man who read it, that 1300 pages of royal paper could not be contained in this report, and that the Commissioners only professed to give to the Government a digest of the evidence? And can any man of candour say that, if any part of this evidence in the exercise of their judgment was omitted, which another man might think material, that the omission of it was a falsification of the evidence? I say, No! I say that, however variously different minds may be constituted, no man with a mind rightly balanced would say it was a falsification, because another man, in the exercise of that judgment which God gave him, did not report a part of the evidence which did not strike him as material.¹⁰³ Does not every man acquainted with evidence know, that one man may think a portion of evidence most material, while another man just as honest and with a judgment just as clear would pronounce that it had no reference to the case at all. But this report was not the judgment of Mr. Brown. It was not Mr. Brown’s act. It was the act of five men, whose judgment I say in all that they did cannot fairly be impugned. But even admitting for the moment that some of the evidence was misquoted, although I deny that any one who looks at it attentively will say that it was — I will say that if another committee were to come and examine whether this committee had reported their proceedings correctly, and were to apply the same principles of judging, they would charge upon them falsification just as gross as has been charged upon these gentlemen. I will now take up the cases of alleged falsification one by one, and in doing so trust I will not lay myself open to the charge brought against me on a former occasion by the Solicitor General, that I was arguing this on one side as a professional man would. God forbid that I should do so. I would wish, amid all the distractions of party, and all the feelings necessarily mixed up with party in this house, to discuss this fairly and as a matter of argument founded in fact. If hon. gentlemen will now turn to page 25 of the committee’s report, they will find the first case of alleged falsification: —

“Mr. Macdonald produced the evidence of Mrs. Chase as given in the Printed Report, page 205, under charge 8; ‘Pursuing a system of punishment in the management of the discipline, cruel, indiscriminate, and ineffective,’ and count 18; ‘In goading Charlotte Reveille, a convict, by excessive punishment, into a state of insanity, or aggravating the malady under which she labored.’ ”

The alleged falsification is in the evidence of Mrs. Chase as given by the Penitentiary Commission:

“Mrs. Chase examined, page 205: Reveille frequently speaks of her leg being contracted. She says that it arises from lying in bed so long; she cannot straighten the leg; the leg was not

in this state when witness first came to the Penitentiary. Reveille had never been put into the box since witness has been in the Penitentiary, nor has she had any punishment. Reveille has told witness that she could contract her leg by tying it up; convict Cook had told her how to do it. Cook is in a similar state. She cannot stand without a crutch; another convict has tried the same experiment; witness discovered it. Reveille told witness that the cause of the lump in her side was falling down stairs, and falling against some candlesticks, when in Montreal; she said that Dr. Nelson had attended her for a long time. Reveille has always shown the same temper and disposition since witness has been here. • • • Witness never stated before the Inspectors, that she believed Reveille to be mad, nor before the Commissioners."

Now what is stated to be omitted, and therefore falsified is this:

"Witness is sure that Reveille is not insane. Reveille told witness this morning that she wished Mrs. Smith was here; that she would not then be left in the state she is; she also said to witness, that she misses Mrs. Smith's kindness. Reveille used sometimes to speak badly of the Warden; she said that she never would have done so, if she had not been put up to it."

Now it is the omission of this last sentence which is charged as a falsification. But if hon. members will look at the report of the Commissioners they will see that this evidence was given in the end of the year 1848. Mrs. Chase came to the Penitentiary on the 15th November, 1847, and this woman Reveille was out of the Warden's hands as insane, and in the hospital on the 14th October, before Mrs. Chase came to the Penitentiary at all. The acts of cruelty charged to have been practised on her ran from July, 1846, to October, 1847, and it was charged against the Warden that this woman was then insane, and that her malady had been very much aggravated by the different kinds of punishment to which she had been subjected. The surgeon had given his opinion that Reveille was insane, and it appeared from the evidence that the poor woman's madness, if not brought on by the treatment to which she was subjected, had been very much aggravated by it. Now, Mrs. Chase was called in 1848 to show the state Reveille was in at that time. But that was not the question before the Commissioners. The question was, by what means her malady had been produced or aggravated, whether she had been goaded into madness, or whether her madness had been aggravated by punishment in 1847. Her punishment commenced the year before, and ended a month before Mrs. Chase came to the Penitentiary at all. She could only speak of how the woman was after she had been insane and put out of the Warden's hands altogether. Suppose then that even the whole of this woman's evidence had been left out, I ask hon. members if this would have been a falsification, because she spoke of a time long posterior to the subject of enquiry? And even if it had been material, what would it have amounted to? That this woman did not think Reveille insane that morning. But the question was not whether she was insane then or not, but whether she had been made insane or her insanity made worse by the treatment she received two years before that time. Had the whole evidence of Mrs. Chase been omitted therefore, there would have been no falsification. Witness was sure Reveille was not mad in 1848, but the charge spoke of her being goaded into madness in 1846 and 1847, a year before.¹⁰⁴

MR. SOL. GEN. H. SMITH. — Was she mad in 1848?¹⁰⁵

MR. WILSON. — It is not charged whether she was mad or not in 1848, but that she was goaded into madness in 1846 and 1847. Now if hon. gentlemen will refer to page 85 of the committee's report, they will see Mr. Bristow's account of this transaction —

"Ques. 503. Mr. Macdonald having charged Mr. Brown with 'falsification of evidence,' in omitting from the testimony of Mrs. Chase, as quoted in the printed report, the words 'witness is sure that Reveille is not insane,' which appear in her original depositions; will you please examine the draft report, and say if the extracts from Mrs. Chase's evidence were made precisely as directed by the Commissioners? — Ans. From reference to the draft report, I find they are."

Perhaps hon. gentlemen do not understand how that draft report was made, and I will just state it, because it is important to bear it in mind. After the evidence had been closed, Mr. Brown, aided partially by two of the Commissioners — for one of the cases cited Mr. Brown had no hand at all in drawing up — prepared a report of the charges supposed to have been sustained in their view of it, and certain parts of the evidence were directed to be quoted under each, from page so and so, line so and so, to such another page and line. When Mr. Brown had prepared this draft report, which is just as voluminous as the printed report, with the exception of the evidence marked to be taken in, the Commissioners met and discussed it clause by clause, modifying it so as to meet the views of the whole Commission. Mr. Brown of course was an assenting party to this, but so were the other Commissioners. It was the joint act of the whole. This report which I hold in my hand was the joint act of the five Commissioners. It was discussed by them clause by clause, and by their direction the very evidence said to be a falsification was selected and put in. Referring then to page 85 of the committee's report, Mr. Bristow's evidence goes on, after stating from an examination of the draft report, that the extracts from Mrs. Chase's evidence were made precisely as directed by the Commissioners: —

“Ques. 504. Please refer to page 36 of the printed report, and say if it is not there recorded as part of Mrs. Chase's evidence given on a different charge ‘Witness thinks Reveille is not insane?’ — Ans. It is.”

It is alleged that this part of the evidence, where this woman says she thinks Reveille is not insane, was not reported. I say it was reported, and hon. gentlemen will find it on page 36 of the report of the Penitentiary Commission: —

“Dr. Sampson was very indulgent to Reveille at all times; witness and Mr. Pollard were instructed by him to humour Reveille in all her whims; expected that the surgeon did so as a part of his treatment of the case — as a case of insanity; *witness thinks Reveille is not insane*. Reveille was an Episcopalian; she became a Roman Catholic last week.”

Hon. members will thus see that the very thing alleged to have been falsified by not being reported to the Government, is reported here. (Hear, hear.) I have now disposed of that first case and have shown that the omission was not done by Mr. Brown as secretary, but generally by the Commissioners. I have shown that it was not material at all, and therefore could not be charged on any of them. I have shown that the very thing complained of, as being omitted or falsified, viz: “that Mrs. Chase thought the woman not insane,” was actually reported by the Commissioners; and I have shown that the rest of her evidence was not evidence at all, and should not have been reported, even if it were considered material. I will pass on now to the second case. The general charge is — “By mismanagement or negligence, reducing the Penitentiary to a state of the utmost disorder;” and the special count is that — “The convicts obtain intoxicating liquors by stealth.” The Commissioners say: — “Convict Henry Smith ‘has had beer three or four times, by orders of Mrs. Smith, the Warden's wife,’ ‘when witness was working in the Warden's private apartments;’ ‘there were three or four convicts; they were cleaning the house; they all got beer; the cleaning lasted four or five days; they had beer three times.’”

This is the digest of the evidence given by the Commissioners. What is the falsification? I will read what it is said it should have been, and then I will ask hon. gentlemen whether what they did give is not a fair digest of it.

“*In Book of Evidence*. — Evidence of HENRY SMITH, a convict. — Page 133: Has had beer since he came to the Penitentiary three or four times; got it by orders of Mrs. Smith, the Warden's wife. Page 426: *Is a convict in the Penitentiary; has received beer from the Warden's servant by Mrs. Smith's orders; believes it was given him by Mrs. Smith's orders; he was told so by some of the convicts. Witness had a very bad cold last winter; complained of it to Mrs. Smith; Mrs. Smith gave witness a small piece of liquorice for it. Witness was not poorly when he got the beer; all the times he got the beer it was when witness was working in the Warden's private apartments, and they were cleaning house.* Page 431: *Heard the convicts say once when the witness*

got beer, that it was by order of Mrs. Smith; *was told so in the Warden's kitchen*; there were three or four convicts; they were cleaning the house; they all got beer; the cleaning lasted four or five days; they had beer three times."¹⁰⁶

Now, I ask hon. gentlemen to say if the digest given is not as fair a digest as ever could have been given of that evidence? If hon. gentlemen will refer to page 120 of the Commissioners' report, they will find that this evidence is on a charge that convicts obtained intoxicating liquors by stealth: — "Guard Wilson testifies that he 'saw convict Welch drunk last summer,' but does not know how he got the liquor. Ex-guard Fitzgerald recollects convicts 'White, Daly, and young George Kelly, being drunk,' but 'cannot tell where they got the drink.' John H. Freeland 'recollects of seeing Cote, Welch, Gordon, and another convict,' under the influence of liquor. Keeper Swift 'recollects White and Graham being under the influence of liquor, but does not know how they got it.' Convict Cameron 'has had beer several times from Mrs. Smith; very often; has had wine several times; has known other convicts often to get liquor from Mrs. Smith in the kitchen;' he 'has seen Travis get beer in the Warden's kitchen, and Christmas and Wilkes.' "

The charge against the Warden was, that through carelessness or inadvertency on his part, the prisoners got liquor and got drunk, and the question was, how they got it, or where they got it.¹⁰⁷ Guard Wilson testifies that he had seen convicts drunk, and the others show where the liquor was got. Then follows Henry Smith's evidence: —

Convict Henry Smith "has had beer three or four times, by orders of Mrs. Smith, the Warden's wife," "when witness was working in the Warden's private apartments;" "there were three or four convicts; they were cleaning the house; they all got beer; the cleaning lasted four or five days; they had beer three times."

These are the very words that Smith used, and you will see that his full evidence bears out the quotations exactly. Where then is the falsification? We will now look at Mr. Bristow's account of that transaction: —

"Ques. 510. Mr. Macdonald having charged Mr. Brown with 'falsification of evidence,' in 'stating on page 120 of the printed report that convict Henry Smith had beer 3 or 4 times by order of Mrs. Smith, the Warden's wife,' whereas, as Mr. Macdonald alleges, he should have added the words 'was told so by some of the convicts;' will you please examine the draft report and say if the extracts from Smith's evidence were made precisely as directed by the Commissioners?"

"Ans. They were."

"Ques. 511. Please look at the printed report (page 120) and say if the whole of Smith's evidence on that point is professed to be given, by the Commissioners, or if the words in question do not occur in a brief summary of the testimony of seven witnesses, all embraced in 24 lines?"

"Ans. It is a mere extract, marked as such, and the whole is a brief summary, as stated in the question."

"Ques. 512. Was it at all material whether the beer was or was not given to Smith and other convicts by Mrs. Smith's orders?"

"Ans. It was not material; the charge referred to obtaining intoxicating liquors by stealth."

"Ques. 513. Did not several other witnesses besides Smith, testify that Mrs. Smith had given liquor to convicts?"

"Ans. Keeper Keely, Assistant Warden Utting, and Keepers McGarvey and MacCarthy did; also convicts Cameron and DeBlois did."

Now, I ask what falsification there was in that digest of the evidence of Smith given in by the Commissioners? I ask in what would it have differed, had it all been quoted as I have read it? What the Commissioners found, and quoted this evidence to prove, was that the discipline of the Penitentiary was so bad, that the convicts in some way or other got liquor by stealth, and not that they got it with Warden Smith's

knowledge or connivance. I will now go on to the third case of falsification. The general charge is "Culpable mismanagement of the business affairs of the Penitentiary," and the special count is "In allowing contractors to deviate from their contracts to the injury of the institution." On this count the Commissioners say: — "We are of opinion that it is clearly proved by the evidence of McCarthy and admitted by the other witnesses, that the firm of Watkins & Co., being unable to supply a particular description of iron, specified in their contract with the Penitentiary, entered into an agreement with the Warden to supply in its place iron of a larger size, with the understanding that they were only to be paid for the weight which a similar number of bars of iron of the contract size would have amounted to. The evidence of McCarthy is most direct that the weight which he certified to, in the bills of parcels, under which Watkins & Co. were paid, was the actual weight furnished, without any deduction. And we can state from a personal inspection of the bills of parcels, at the time referred to in the evidence (July 1847,) that they were all regularly vouched by McCarthy, without any remark on them, which could lead to the impression that any deduction was made for such excess of weight. *The only evidence to rebut this strong array of facts, is the declaration of Mr. Muckleston, that 'to the best of his knowledge 5 or 6 cwt. was deducted on account of the larger size being furnished.'* *The Clerk and Architect who seem both cognizant of the transaction, and who could easily have proved the deduction, had it been made, are not examined in the Warden's behalf on the subject.*"

What is said to be the falsification here? The Commissioners say that "the only evidence to rebut this strong array of facts, is the declaration of Mr. Muckleston, that 'to the best of his knowledge 5 or 6 cwt. was deducted on account of the larger size being furnished' " — and it is complained that they did not quote the following evidence of Mr. E. Horsey, page 1189. — "Witness cannot say whether he could believe McCarthy on his oath; if he saw his evidence before the Commissioners he could tell; he has no other reason to disbelieve him than what he has heard. Ques. If McCarthy has sworn before the Commissioners that 'he was told by Mr. Muckleston that he (Muckleston) received payment of the full weight of the English bars and of the extra price of the Swedish, notwithstanding his agreement to the contrary,' has he testified truly? — Ans. If he so testified, witness thinks that he did not tell truth. Ques. If McCarthy has sworn that 'he received the iron, attended to and certified the quantity received, at the full weight delivered,' has he sworn truly? Ans. He has not."

Even if there were falsification here, I will show you that it was not Mr. Brown at all who made up this part of the Report, but Mr. Bristow. I will refer you to Mr. Bristow's evidence, not to show that Mr. Brown was not equally responsible with the other Commissioners, but to show that the making out of this charge was not his act at all. Here is Mr. Bristow's evidence: —

"Ques. 514. Mr. Macdonald having charged Mr. Brown with falsification of evidence, in the following words used in the printed report, page 152: 'We are of opinion that it is already proved, &c.' Please refer to the original draft report, and say who wrote this portion of the report, and if it is not precisely as adopted by the Commissioners?

"Ans. That portion of the report was written by me, and it was adopted by the Commissioners.

"Ques. 515. Mr. Macdonald professes to rest this charge against Mr. Brown, on the fact that in drawing up this portion of the report, you did not quote a passage of the evidence of Mr. Horsey, recorded on page 1189 of the official evidence; please refer to that passage of Mr. Horsey's testimony, and say why it was not quoted?

"Ans. I speak of course on this as in reference to Mrs. Chase's testimony, not from any distinct recollection; but from a perusal of the Report before me, it will be found that all the material part of Mr. Horsey's evidence is there inserted. The passage to which the question refers would neither have added to nor detracted from the force of the portion of the evidence of Mr. Horsey there given.

"Ques. 516. The Commissioners say in the Report that neither the Clerk nor Architect who 'could have proved the deduction if it had been made,' were examined upon that point; — does Mr. Horsey's evidence at all meet that point of the case?

"Ans. It does not.

"Ques. 517. Did Mr. Muckleston testify — 'Cannot tell whether the Bills of Parcels for the large size of English Iron were sent to the Penitentiary with the gross weight charged, or with the deduction made as agreed between witness and Mr. Horsey?' Did Mr. McCarthy testify that 'the Bills of Parcels contained the gross weight of the heavy iron, and that no deduction was made?' Did you personally examine the Bills of Parcels, and find no deduction marked on them? And was there an absence of all evidence that any cash deduction had been made?

"Ans. Mr. Muckleston and Mr. McCarthy did so testify. I personally examined the Bills of Parcels, and found no deduction marked on them; and there was an absence of all the evidence that any deduction was made; the decision of the Commissioners was conveyed in the following terms: — 'Enough has been proved to show that the whole transaction is of a most equivocal character. It is to be regretted that none of the requisitions for the iron by Keeper McCarthy for that particular period, have been preserved; as had they been produced, we should have been enabled to come to a determinate opinion on the whole of the facts.' "

There then is the evidence on the third case, and I ask where is the falsification? You have the deliberate opinion of the men charged with the investigation, that the whole transaction charged in this instance against Mr. Smith was of a most equivocal character, and that if certain requisitions had been kept, they would have been able to come to a determinate opinion upon it. That is the third case. Here is the 4th:

"The Commissioners say in their report the [sic] the second transaction under this Count, is in regard to a quantity of stove pipes ordered by Mr. Patrick Quinn. Several witnesses gave evidence on this matter, but it is fairly explained in Mr. Quinn's testimony.

"Patrick Quinn, preliminary examination: — Is a tavern-keeper near the Penitentiary; made a bargain last fall with the Warden of the Penitentiary for a thousand ends of stove pipe at the rate of 8d per end; made a positive bargain; they were to be finished in less than three weeks; offered to pay them in advance, but the Warden said it would answer to pay them when delivered. The Warden refused to implement his bargain on the ground that he had no sheet iron; witness told him he (the Warden) had received three loads of sheet iron that very day; the Warden said, that was for roofing the houses; witness reminded him that he could do no roofing work for some months, and the Warden said he knew that, but the iron must be kept for it. Witness got about a hundred ends of the contract executed, but could get no more; considered it very dishonourable conduct on the part of the Warden. The Warden never denied that he had broken his contract. Iron had risen very rapidly at the time of the contract; the stove pipe was worth 1s. per end shortly after the contract was made.

"The whole of the evidence corroborates Mr. Quinn's statement."

Now let us read what is said to have been omitted: —

"Evidence of Mr. BICKERTON. Page 1,300. Thirty lengths of stove pipe appear by the Warden's work book as ordered to be made for Quinn on 29th October 1847. Witness has frequently drawn up contracts entered into by the Penitentiary; has drawn up all except a few which were executed by Campbell and Macdonald; never drew up one between the Warden and Quinn for stove pipes; knows of no bargain between them for 1,000 lengths of stove pipe; under the Warden's order of 29th October 1849 [sic], 100 lengths of stove pipe were made and paid for by Quinn; should think McCarthy must have exceeded his instructions when he made 100 in place of 30 ordered by the Warden."

Here is what the Commissioners say of the transaction, on page 153: —

"The defence of the Warden is, that he applied to Watkins & Co., who held the iron contract to supply plate iron to fill Quinn's order, but that they refused to supply it, on the ground that their contract only bound them to supply articles needed for the use of the Penitentiary, and did not oblige them to furnish materials for the execution of work ordered by third parties

from the Penitentiary. It appears from the evidence that the Warden assented to this view of the contract taken by Messrs. Watkins & Co., and declined to supply Quinn's order."

The reason then was that the Warden could not get the iron. The Warden himself admits that the contract was made and not kept, and he gives the reason. While the evidence, the omission of which is said to be a falsification, went to show that there was no contract at all. (Hear, hear.) Bickerton merely says he drew all the contracts except a few executed by Campbell and Macdonald, and that he never drew such a contract, and that therefore there could not have been any written contract. What then was the use of giving this evidence, when the Warden himself admitted by his defence that he made a contract but that he did not keep it for certain reasons? If the evidence was thus totally immaterial, in what sense could it be said to be falsified? It appears also from the manuscript Record that Muckleston gives evidence, also proving that there was a contract, as admitted by the Warden, which the omitted evidence went to deny. (Mr. Wilson here quoted Muckleston's evidence from the manuscript volumes.) I will now refer you to Mr. Bristow's account of that transaction, on page 87 of the committee's report:

"Question 518. Mr. Macdonald having charged Mr. Brown with 'falsification of evidence,' in omitting the testimony of Mr. Bickerton on page 1300 of the original evidence, in regard to the refusal of the Warden to fill Patrick Quinn's order for 1000 ends of stove pipe; pray refer to the original report, and say if the passage as printed is not precisely as adopted unanimously by the Commissioners? — Answer. It is.

"Question 519. Pray refer to Mr. Bickerton's evidence, and say if it affected in the slightest degree the merits of the case?

"Answer. Certainly not.

"Question 520. Would the evidence of Mr. Bickerton that he was in the habit of drawing up written contracts, disprove sworn testimony that the Warden had made a verbal contract with Mr. Quinn? Was the fact of the contract for 1000 ends proved, or was it ever denied by the Warden?

"Answer. Certainly indirect evidence of that kind could not disprove direct evidence. The contract with Mr. Quinn was clearly proved to the Commissioners, nor was it ever denied by any of the evidence given before them."

I say again, where is the falsification in reference to that? The Warden's own defence admits the very view which the Commissioners took of it. The charge was that Smith made a contract which he did not fulfil, that he made a contract to supply Quinn with 1000 stove pipes, but only supplied 100, and that thus he broke faith as Warden of the Penitentiary. The Warden's answer is that he could not do it, because Watkins who was to supply him with iron, would not do it unless needed by the Penitentiary, because iron had risen, and then Bickerton comes in and says there was no contract at all, which is totally inconsistent with the Warden's defence. How could that be considered material, or its omission a falsification? I come now to the 5th case. The general charge is "Culpable mismanagement of the business affairs of the Penitentiary." The Commissioners say: "The third issue raised under this count is embodied in the evidence of Mr. Coverdale. He says: 'Witness's impression is that the present buildings might have been built for 30 per cent. less by contract.' And to meet this, Mr. Horsey testifies 'that the ordinary run of stonecutting work done, in the Penitentiary, is better than the ordinary run of work outside; here the stones are cut with sharp edges, which lie close in the wall, but outside they are not particular; would say the difference on the cost of the work is 25 per cent.'"

The alleged falsification here consists in the following part of Mr. Horsey's evidence not having been also given:

"Page 815. Witness does not consider that to have erected the Penitentiary buildings by contract would have been cheaper than the expense by convict labour has been; and he further thinks that the buildings are 25 per cent. better than they would have been by contract labour. Contractors try to get along as fast and as cheap as they can, but by the present method permanency is looked for."

Now I ask whether the account given by the Commissioners is not a fair digest of the case? They say that Mr. Coverdale's opinion was that the buildings might have been built for 30 per cent. less by contract. And "to meet" this, giving the opposite view of the case, they quote Mr. Horsey's opinion, that convict labour was better, and that the difference on the cost of the work would be about 25 per cent. — the only meaning, of course being, as in the other extract, that although work outside might be cheaper, that inside was 25 per cent. better, and therefore, there was no loss. Where then is the falsification? The difference in the quality of the work is given, the very words of Mr. Horsey are given — only the Commissioners do not give the whole of Mr. Horsey's evidence, and it is charged as a falsification, although it really amounts to nothing. We will now look at Mr. Bristow's account of it:

"Question 521. Mr. Macdonald having charged Mr. Brown with 'falsification of evidence' in the following extract from the printed report, please refer to the draft report, and say if these words are precisely as adopted unanimously by the Commissioners, —

"The third issue raised under this count is embodied in the evidence of Mr. Coverdale. He says, 'Witness's impression is that the present buildings might have been built for 30 per cent. less by contract.' And to meet this Mr. Horsey testifies that 'the ordinary run of stone-cutting work done in the Penitentiary is better than the ordinary run of work outside. Here the stones are cut with sharp edges, which lie close in the wall; but outside they are not so particular. Would say the difference in the cost of work is 25 per cent.?' — Ans. It is.

"Question 522. Please refer to Mr. Horsey's additional evidence on page 845 of the original record, and say if it is not precisely to the same purport as given above? — Answer. It is.

"Question 523. Did the Commissioners intend Mr. Horsey's statement to be a complete offset to the statement of Mr. Coverdale, and do not the words as they stand convey this meaning?

"Mr. Macdonald objected to this question. Objection maintained unanimously."

We come now to the sixth case. The general charge is "starving the convicts in the Penitentiary," and the passage objected to is the digest made by the Commissioners of Mr. Thomas Kirkpatrick's evidence. They sum up his testimony thus:

"Thomas Kirkpatrick, Esq., page 113, says: He always presumed the convicts had enough of food, while he was an Inspector, and their appearance indicated that they got sufficient food."

Now, the words used by Mr. Kirkpatrick, of which what I have read was a digest are these:

"Page 966. — *Witness never heard when an Inspector, that the convicts were kept in a state of starvation; always thought they were too well fed; their appearance did not indicate that the convicts had too little food; cannot say if the convicts could have done the work they performed, had their food been insufficient; never turned his attention to the subject of the convicts' food; always presumed they had enough. Has occasionally seen the food served out to the convicts' breakfast; more frequently than dinner; was very frequently present in the dining hall at breakfast during the six years witness was an Inspector; thinks the food at breakfast was generally of sufficient quantity.*"

I ask any hon. gentleman to say whether what the Commissioners give is not a fair digest of Mr. Kirkpatrick's evidence? Is there anything in this to warrant a charge of falsification? Then we come to the 7th case, which in the printed report is as follows: — "Pursuing a system of punishment in the management of the discipline — cruel, indiscriminate and ineffective."

"As many as twenty, thirty, and even forty men have been flogged in one morning, the majority of them for offences of the most trifling character."

Mr. Macdonald's objection to this is: — "No evidence in the manuscript minutes to show this." Now what are the facts? It is true there is no written evidence to show this, but we find that Sheriff Thomas, one of the Commissioners, was deputed to examine the punishment books of the Penitentiary, and draw up from them a tabular statement of the punishments inflicted, which he certified to the Commissioners. And what did he find? That as many as 20, 30, and even 40 men had been flogged in one morning, the

majority of them for offences of the most trifling character. And yet it is alleged that there is no evidence to sustain that. Look at Mr. Bristow's evidence, on page 89: —

"Ques. 529. Mr. Macdonald having charged Mr. Brown with 'falsification of evidence' on the ground that it is stated in the printed report, page 189, that 'as many as 20, 30, and even 40 men have been flogged in one morning, the majority of them for offences of the most trifling character;' — will you please refer to the draft report and say if this statement is precisely as the Commissioners unanimously ordered it to be drawn, and as they adopted it? — Ans. It was.

"Ques. 530. Mr. Macdonald's objection to this statement is that there is no proof of its truth on the minutes of evidence; — please say if the statement is true, and on what authority the Commissioners made it?

"Ans. Mr. Thomas, one of the Commissioners, was deputed particularly to examine the punishment books of the Penitentiary. He drew tables from them and laid them before the Board. I know it was from reference to those tables, that the statement was made in the report; and I may add that I can speak from my own observation that those books showed the truth of the statement made by the Commissioners.

"Ques. 531. In whose hand-writing was the punishment ledger kept?

"Ans. In the Warden's."

Hon. members will thus see that Mr. Bristow testified that the report was made from tables drawn up by Mr. Thomas, from the Penitentiary books, and he could speak from his own observation to the truth of the statement. But here is Mr. Thomas's own evidence, on page 118: —

"Ques. 715. Mr. Macdonald having charged Mr. Brown with 'falsification of evidence,' on the ground that it is stated in the printed report on page 189, that 'as many as 20, 30 and even 40 men have been flogged in one morning, the majority of them for offences of the most trifling character,' — will you please say if the statement was true, and on what authority it was made?

"Ans. I cannot speak of the number of men flogged, but I have the best reason to know that the flogging was excessive, and calculated to destroy proper discipline. I am satisfied that the tables of punishment are correct."¹⁰⁸

MR. SOL. GEN. H. SMITH. — What page?¹⁰⁹

MR. WILSON. — Page 118.¹¹⁰

MR. SOL. GEN. H. SMITH. — I do not find it.¹¹¹

MR. BROWN. — It is page 123 of the new edition. A second edition was issued this forenoon.¹¹²

MR. WILSON proceeded. The falsification complained of is that there is no written testimony in evidence to sustain the statement. The answer is, it is true there is no written evidence; but these tables, which one of the Commissioners made out of the Warden's books, sustain the fact — ¹¹³

DR. ROLPH. — Who entered the punishments in the Warden's book?¹¹⁴

MR. WILSON. — I presume it was the Warden. He was responsible at all events for its being correct, and the Commissioners referred to it as the public book in which the punishments of the Penitentiary were recorded; and if Mr. Smith did not enter them, he was responsible for the correctness of the book, because he had the general supervision of the institution.¹¹⁵

MR. BROWN. — Mr. Bristow's evidence states that it was in Warden Smith's own handwriting.¹¹⁶

MR. WILSON. — I come now to the eighth case, added afterwards. The following is the evidence of convict McNair *alias* McKeener, as given in the printed report.

"Witness, when under punishment, has had full rations, notwithstanding, very often; witness is on the punishment list now, and had only bread and water at dinner to-day, but he has no doubt a full dinner ration is waiting for him; if the Commissioners will allow him to go for it, he has no doubt he can bring it and show to them he speaks truth; any convict can manage to get full rations notwithstanding the Prison rules, that when under punishment they shall get nothing but bread and water. Witness always managed some way or other to get full rations, except when closely confined to his cell."

The falsification alleged in this case, is the omission of the following: —

"Mr. Frank Smith never on any occasion knew of witness getting full rations while under punishment."

PAGE 532. — *"When on punishment witness gets more food than the bread and water allowance; convicts fetch it out to witness, the food they give him is part of their own rations; none of the officers ever gave witness any extra food except Mr. Watt, who did so once or twice; was not under punishment those days."*

Now, if hon. gentlemen will turn to page 215 of the commissioners' report, they will see that the whole of this man's evidence, from the very account given of himself, is not considered as worth anything, and this is merely given as showing what an impudent fellow the man was. I will read from McNair's evidence the account he gives of himself. Having read McNair's evidence, Mr. Wilson proceeded. — The digest given by the Commissioners is just what the man states himself, with the simple omission of what is not at all material, that Frank Smith never knew of witnesses getting full rations while under punishment, and that convicts fetched him part of their own allowance. I ask where is the falsification there? The evidence is brought in under a count charging Warden Smith with attempting to bias the evidence of officers and convicts. Guard Wilson states that McKeener had been electioneering against Dr. Sampson, and was permitted to do so by Mr. Frank Smith. And then McKeener's own evidence is given to show what a scoundrel he was — that he was one on whose testimony no reliance could be placed. I ask again, where is the falsification? And it is besides the act of the whole Commissioners, just as the others are. I have now finished the cases of alleged falsification, and I say no hon. gentleman can apply the term falsification to anything Mr. Brown did in those instances, in any light in which they can be viewed. And I say that even if he and the whole Commissioners had misquoted the evidence as is alleged, it would only have amounted to an error of judgment, in giving a digest of the evidence adduced before them. This branch of the case, sir, may be very briefly stated. Mr. Brown may justly say to Mr. Macdonald, "You charge me, as secretary to the Commission, with recording falsely the evidence — with altering it, after it was closed and subscribed. Here is the written testimony. I challenge you to point out one sentence — one word which I recorded falsely; I challenge you to show one sentence — one word — one syllable which I added." Mr. Macdonald replies, — "True, you did not, quite true! but you carried this evidence to your brother Commissioners, you assisted them to digest it, and to report your opinion and theirs, with that digest, to the Government; and you told the Government you had so digested it; but because you, and your brother Commissioners did this, I say, you falsely recorded the evidence and you altered it." These few sentences, sir, exhibit this part of the case. Can anything be more irrational, illogical, or absurd? May I ask, sir, if anything can be conceived more base? Let hon. members now judge how far the report of the majority of the committee on this branch of the case is sustained, when they say —

"Your Committee are of opinion that the testimony so reported by the said Commissioners, is not the true testimony given before them; they are further of opinion that to persons, such as the witnesses brought before your Committee, acquainted with the complete evidence as really given, it would appear that, if the evidence reported by the Commissioners was the evidence written down by their Secretary, there was a falsification of the original testimony. But how far Mr. Brown, who conducted the affairs of the Commission, and was in fact the Secretary also, was to blame, separately from his colleagues, your Committee express no opinion."

I will now proceed to the next branch of the charge, with reference to the subornation of convicts to commit perjury. The report of the Committee goes on to say —

“With reference to the subornation of perjury, and the promise of pardon to convicts to give evidence, your committee find that nearly all the witnesses being officers of the Penitentiary, who had given evidence in favour of Mr. Smith, the Warden, were dismissed; and that several who had been dismissed by the Warden, were reinstated, after having given evidence before the Commissioners against him.”

Now, I ask, supposing all those officers who had given evidence in favour of Mr. Smith had been dismissed, would that show to the mind of any man that they had been suborned to commit perjury? What does subornation of perjury mean? It means that you hold out an inducement to a man to swear to what is false — that you, by some reward or offer of reward, get a man wilfully to swear to what is not true. Is it proved that this was done? Does that prove, because these officers were dismissed after they had given evidence against Mr. Smith, they were suborned to commit perjury? Does it prove anything in reference to the charge? But, sir, it is not the fact that any of the officers were dismissed in that way, if the Commissioners themselves who were examined speak truth; for they deny that any officers were dismissed because they gave evidence for or against Mr. Smith. I beg hon. gentlemen to read the evidence of Mr. Thomas, at page 124 of the report, on that point: —

“Mr. Thomas cross-examined by Mr. Macdonald.

“Ques. 721. Have you any statements to make, in your opinion, material, which have not been elicited by your previous examination. If so, please make those statements? — Ans. I wish that the proceedings of this committee should show:

“3rd. That the restoration of the officers of the Penitentiary, or removal of others, was not effected by the Commissioners, but that such restoration or removal was, after the Commissioners had delivered their final Report to Government.”

This is Mr. Thomas' account. I will now refer hon. gentlemen to Mr. Bristow's account of it, when cross-examined by Mr. Macdonald: —

“Ques. 642. Were not several officers of the Penitentiary, who gave evidence for Mr. Smith discharged, and ordered to be discharged after having given their evidence, by the Commissioners, acting as such, or in their capacity of Inspectors? — Ans. There were several, and each of them on sufficient grounds.

“Ques. 643. Were not all the officers who gave evidence in favour of Mr. Smith, discharged, or ordered to be discharged? — Ans. Certainly not. No person was recommended to be discharged, except on grounds that the Commissioners considered to be sufficient.¹¹⁷

“Ques. 644. Were not T. Costen, T. Smith, W. Smith, H. Manuel, W. Martin, A. Ballantyne, H. Grass, F. Little, T. Sexton, T. Somerville, James McMahon, R. Tyner, and J. Watt, dismissed; and were not E. Horsey, F. Bickerton, and M. Pollard ordered to be dismissed by the Commissioners? — Ans. I cannot recollect the whole of these names, but I have no doubt the major part of them were dismissed, or recommended to be dismissed by the Inspectors, and on very good and sufficient reasons in every case, as the minutes of the Board of Inspectors will show in each case. — I will remark here, that no man was punished or intended to be punished, in any way for any evidence he might give before the Commissioners, except in those cases, where there was palpable and deliberate perjury; the evidence before the Commissioners teemed with such cases and with proofs of the thorough incapacity of other officers of the Penitentiary, whose removal subsequently occurred.”

This is the account which one of the Commissioners himself gave of the reasons why these men were dismissed by the Inspectors after the Commission was closed. But to this branch of the case Mr. Brown may say again to Mr. Macdonald, “you say I suborned convicts to commit perjury, name the men and I will refute it.” — Mr. Macdonald replies, “I will point out a number of witnesses who were officers of the Penitentiary, who were dismis[s]ed, and a number who were restored after they gave their evidence,

I do not say that one word was false which they swore to, but because you and your brother Commissioners did so dismiss or so employ them, I say you suborned them to commit perjury." Again I say, sir, can any thing be more irrational or absurd? And again I beg to ask, if any thing can be conceived more base? Then comes the next allegation in the Committee's Report: —

"Your committee also find that two convicts, who had given evidence against the Warden, were recommended for pardon by the Penitentiary Commissioners, soon after the close of their proceedings, by letters of Mr. Brown, the Secretary, and that the pardon of one was recommended not to be intimated to the convict until after his testimony should have been secured, and it was sworn to by two witnesses before the Commissioners themselves, that the said convict had made no secret of his expected pardon."

I take it for granted that hon. gentlemen will understand that the two convicts here referred to were Cameron, a man who was in the Penitentiary for murdering his wife, and De Blois, who was in for forgery. Now, I beg the attention of hon. gentlemen to this fact — and they will see that not a single statement in this clause of the report is borne out — that neither of those men was discharged till after the Penitentiary Commission was closed. Cameron was not discharged for three years afterwards, and was discharged then, not on the recommendation of the Commissioners. One letter referred to was written by Mr. Brown, in reply to the Government, who had requested the Commissioners to report on an application which had been made to his Excellency for the pardon of De Blois, signed by De Blois' wife, and twelve ecclesiastics who knew him.¹¹⁸

The Clerk here read a translation of this application, dated 19th August, 1848, in which the wife of De Blois represented that she was the mother of seven children, and that she and her family were in a destitute condition on account of his incarceration, and praying for a pardon. The petition was recommended by the signatures of twelve priests.¹¹⁹

MR. WILSON continued. — This petition was sent to the Government, and they referred it to the Commissioners to report upon it, and their report upon it is thus stated by Mr. Bristow:

The Commissioners made on the 7th October, 1848, the following report, "I am instructed by the Commissioners to state, for the information of his Excellency, that the conduct of DeBlois, while in the Penitentiary, has been very good, and that, in the opinion of the Commissioners, he is a fit subject for the exercise of the Royal clemency. In their investigation of the affairs of the Penitentiary, the Commissioners have availed themselves, to a limited extent, of convict evidence, and important testimony, adverse to the management, has been given by several convicts, whose general conduct has been meritorious; of these DeBlois is one. The Commissioners have, in consequence, deferred for the present, bringing such cases under the notice of his Excellency the Governor General, to avoid misconstruction, or prejudice to the officers on their defence. Should his Excellency see fit to extend to DeBlois the Royal pardon, the Commissioners would respectfully submit whether the intimation of it might not be advantageously suspended, until the officers of the Penitentiary have closed their defence."¹²⁰

It is upon this letter that the committee venture to cast the aspersion — "that the pardon of one, was recommended not to be intimated to the convict until after his testimony should have been secured." Does not this show how loosely the committee paid attention to the two cases referred to? Was the pardon given, after the close of the Commission, on the recommendation of Mr. Brown, or in the sense put here? Was it not on the petition of the man's wife, and of 12 gentlemen who ought to have known the circumstances of the case? The Commissioners stated that DeBlois had given evidence, and that to avoid misconstruction or prejudice to the officers on their defence, they submitted whether the intimation of the Royal pardon might not be advantageously suspended, until the officers of the Penitentiary had closed their defence. Can any one say that the committee has drawn the fair inference from the facts as stated. Yet the majority of the committee took it upon themselves to insinuate that there was something wrong, by saying that the pardon was not to be intimated till DeBlois' testimony had been secured. Is that a

fair representation of it? Because, in all candour, what was the transaction? A poor woman says she has 7 children, she cannot support herself, is in a sad state of affliction, and hopes His Excellency will consider that her husband has been punished enough, and 12 ecclesiastics, who knew the man well, recommend the prayer of the petition. This is sent to the Government, who refer it to the Commissioners on the spot, asking them to report on it. The Commissioners report accordingly, and say that De Blois is a meritorious man, but that they had used his evidence; and submitted that, if the Government did see fit to pardon him, his Excellency should not do it until the proceedings closed, in order not to prejudice the men charged on the investigation. I ask then, is the interpretation put upon the matter by the committee, a fair one? And the man was not pardoned at all for a year afterwards. I will now come to the case of Cameron, and you will see how candidly the Commissioners have dealt with his case. The man was not pardoned for nearly three years after the commission closed. I will read the evidence of Mr. Bristow, in regard to the pardon of Cameron: —

“Ques. 563. Mr. Macdonald having charged Mr. Brown with obtaining the pardon of murderers confined to the Penitentiary, to induce them to give false evidence, and Mr. Smith having stated before this committee, that convicts Cameron, De Blois and Henesy, were pardoned, but how, he did not know; will you be good enough to state, if any one of these convicts was pardoned, at the solicitation of Mr. Brown or of the Commissioners, or of the Inspectors, while you were a member of the Board?

“Ans. They were not, nor was any one of them.

“Ques. 564. Did the Board of Inspectors of which you were one, refer to the case of convict Cameron, in a report to Government, dated 9th August, 1849, in the following terms: ‘The Board also enquired into the case of convict Hugh Cameron, committed the 30th May, 1843, for 14 years, for the murder of his wife. It appeared that Cameron committed the act under the influence of liquor, and under circumstances of strong provocation, and he positively declared that while he has no doubt he committed the deed, he has no recollection of it. The Board were satisfied that unless the Government were aware of local circumstances which would render his pardon prejudicial to the public morality, Cameron is a man towards whom mercy might be properly and advantageously extended, and the more so as his conduct in the prison has been exemplary in the highest degree, and in the absence of such circumstances, the board recommend the case to the consideration of his Excellency?’ — Ans. They did.

“Ques. 565. Witness is shown a written memorandum, and is asked if that is the original memorandum on which the said report was brought before the Board of Inspectors and considered, and also to state in whose hand-writing it is? — Ans. It is the original memorandum in my hand-writing, and the name of Cameron appears with several other convicts whose cases were submitted to the Inspectors for their consideration, whether they ought to be recommended for pardon by the Executive.

“Ques. 566. Are you aware that the Government did make reference to local considerations as suggested by the Inspectors, and on that ground declined to pardon Cameron? — Ans. Yes.

“Ques. 567. Are you aware that convict Cameron was pardoned in 1852, three years after the Commission closed, on the application of Mr. James Moir Ferres, Chairman of this Committee, and other citizens of Montreal? — Ans. Yes.¹²¹

“Question 568. Are you aware that convict De Blois was pardoned on 30th May, 1849, subsequent to the closing of the commission, on the written application of this [sic] wife and twelve Roman Catholic Priests? — Ans. I learn this fact from the official return sent down by Government to the House of Assembly, now exhibited to me.

“Question 570. Do you believe that Mr. Brown was in any way concerned, directly or indirectly, in the release of any of the said convicts, or even knew of their release? — Answer. I have no reason to believe so.

"Question 571. Mr. Smith having declared before this committee, in answer to a question by Mr. Macdonald, that he 'saw Cameron at large shortly after the close of the examination, and when some of the Commissioners were in Kingston,' was this statement of Mr. Smith's true or false? — Answer. It was untrue.

"Question 572. Mr. Hopkirk having declared before this committee that he knew that 'a murderer was pardoned about that time,' 'a man of the name of Cameron. I cannot say when he was pardoned, it was after the sitting of the commission, but whether after it closed I do not know,' was this statement of Mr. Hopkirk's true or false? — Answer. It was incorrect, as the facts I have already mentioned prove."

Why, the man (Cameron) was not pardoned until nearly three years after the Commission closed, and then it was not on the recommendation of my hon. friend the member for Lambton, but by the Government on the receipt of a petition, to which was appended amongst other names that of the hon. member for Brome. (Hear, hear.) Mr. Wilson then read the following petition: —

"THE PETITION OF THE UNDERSIGNED,

"Humbly Sheweth:

"That at the Criminal Term, held at the city of Montreal, in the year eighteen hundred and forty-three, one Hugh Cameron was convicted of the crime of murder of his wife, but that the circumstances of the case being, in the opinion of the jury, of an extenuative character, they strongly recommended that the extreme penalty of the law should not be executed, and his Honor the presiding Judge, acting on the said recommendation, sentenced the said Hugh Cameron to imprisonment in the Provincial Penitentiary for the term of fourteen years, which sentence has been duly carried into effect, and the said Hugh Cameron is still in the Penitentiary undergoing the punishment so ordered to be inflicted on him.

"That your petitioners have good reason to believe that the conduct of the said Hugh Cameron has, whilst in prison, been of the most exemplary character; and that he is duly impressed with the enormity of the crime, which in a moment of passion, and when bereft of reason, and under the influence of intoxication, he committed, and that your petitioners have been led to understand that the Commissioners appointed to examine into the conduct of the Penitentiary have strongly recommended the said Hugh Cameron to your Excellency's clemency, with a view that the remainder of his imprisonment be dispensed with.¹²²

"That from the information derived from the said Commissioners, and from officers of the prison, your petitioners feel a confident assurance that should it be your Excellency's pleasure to grant a pardon to the said prisoner, and thus to shorten the duration of his imprisonment, he will be a steady and useful member of society.

"Your petitioners would further respectfully state, that prior to the commission of the act which has led to the incarceration of the said Hugh Cameron, he bore a most excellent character for honesty, and that at the time of his trial numerous witnesses of the highest respectability gave the most favourable testimony on his behalf.

"Wherefore your petitioners respectfully pray, that your Excellency will be pleased to take the premises into your favourable consideration, and that you will grant a discharge from the residue of the term of imprisonment to which the said Hugh Cameron was sentenced,

"And your petitioners, as in duty bound, will ever pray.

"Montreal, February, 1852."

This petition was signed by Mr. Charles Wilson, the Mayor, Mr. Bristow, the Rev. Dr. Mathieson, about thirty of the principal inhabitants of Montreal, and amongst the signatures I find the name of James Moir Ferres — (loud cries of "Hear, hear") — and it was dated Montreal, Feb., '52. (Hear, hear.) These are the facts, as appearing in the proceedings before the Committee, and they might have gone further; for it appeared that, before the Commission sat at all, Mr. Smith himself (the Warden) recommended Cameron to be pardoned. (Hear, hear.) And I must say that, after the proceedings had concluded, the Commissioners were perfectly right in recommending to the clemency of the Governor any deserving objects [sic]

that might, during the progress of their investigation, have come under their notice. Mr. Brown may say to Mr. Macdonald, in reference to this charge — “You say I procured the pardon of murderers confined to the Penitentiary, to induce them to give false evidence. Show me what was sworn falsely, and show me whose pardon I procured for this purpose.” Mr. Macdonald replies — “No, no; but I will show you a forger, and a murderer, who were pardoned, one a month, another nearly three years, after your Commission was closed. I will show they were pardoned on petitions, not emanating from you, but you and your fellow-Commissioners told the Government they were fit objects for the Royal clemency, and because you did so, I say, ‘You obtained the pardon of murderers confined to the Penitentiary, to induce them to give false evidence.’” Sir, I will not ask if this be irrational and absurd, but I will ask, if anything can be more wicked? On the part of the report which refers to Mr. Attorney General Macdonald, I shall make no observations. The charges which he made against the hon. member for Lambton were of a most serious description; and if the hon. Attorney General was not prepared to substantiate them, the inference is irresistible, and the consequences apparent. The Attorney General, I repeat it, accused the hon. member for Lambton with recording falsely the evidence of witnesses — with having altered it, after it was closed and subscribed — with suborning convicts to commit perjury — and with having procured the pardon of murderers, to induce them to give false evidence. He pledged himself to prove them; the Committee was charged with the enquiry; he has utterly failed to prove any of them. But, in the face of all this, the majority of that Committee have prosecuted an extraneous enquiry, pronounced an evasive opinion, and no judgment upon the questions submitted, as it was their duty to do. And it is on this account, sir, that I now feel called upon to move the resolution which I have placed in your hands. (The hon. gentleman resumed his seat amid loud applause.)¹²³

[The motion was] seconded by MR. HOLTON¹²⁴.

MR. FELTON and MR. SOL. GEN. H. SMITH both rose. After some time the latter gave way¹²⁵.

MR. FELTON said, that he would only detain the House for a few minutes. He thought, as one of the jury in these proceedings, he ought now to state his views on the subject. He fully coincided with the remarks of the hon. member for London on the finding of the majority of the Committee. He (Mr. Felton) entirely agreed in the essence of the finding of the minority, but he differed with it in some details. He could not agree to that part of their finding which referred to the proceedings of the Penitentiary Commissioners. He thought that any finding on that subject was uncalled-for. They were not asked either to approve or disapprove of the conduct of those Commissioners. Their sole duty was to inquire if the charges made by the Attorney General against the hon. member for Lambton were true or false, correct or incorrect. By the result of that finding, whatever it was, they ought to have abided, and not to have given any opinion as to the proceedings of the Commissioners. He had objected to do so in Committee, but as the majority would not be guided by his objection, he had deferred to them. He would now, however, state his objection to their finding, and endeavour to show the House why he could not agree in either of the two reports that had been adopted. He could not at all approve of the conduct of the Penitentiary Commissioners, and he thought the course taken by them was uninstanced in any court of justice. The Commissioners first appear to have held a sort of preliminary investigation, and to have conducted it entirely on *ex parte* evidence, with closed doors and in the absence of the accused. Now, certainly this was most improper.¹²⁶

Hear, hear, from MR. AT. GEN. J.A. MACDONALD.¹²⁷

[MR. FELTON continued:] The hon. gentleman need not cheer. He did not say this because he believed that the charges made by the hon. gentleman were true, — or that they were influenced by any sinister or corrupt motive. He (Mr. Felton) did not believe anything of the kind. He simply thought that the Commissioners had acted from an error of judgment, and he disapproved of their proceedings

because they had not been conducted according to law. Another great objection was that having received other evidence in the presence of the persons accused, besides that at the preliminary investigation, they did not report it all, but only made an abstract of it, and used that abstract to support their own conclusions. In doing this they were guilty of diverging from the ordinary mode of proceeding. They were bound either to have given all the testimony, or if they omitted one portion and another, not to do so, without at the same time stating the cause. Now the minority of the committee after referring to these characteristics of the Commissioners, in a manner impliedly approved of them. Of this he (Mr. Felton) could not approve. The object of the motion appointing this committee was to inquire into the truth of certain charges made by one hon. member of this House against another. In the full and perfect acquittal of the hon. member for Lambton of these accusations, he (Mr. Felton) fully and entirely concurred. (Loud cries of hear, hear.) He did not think that any of the charges made against the hon. member in that House had been proved according to law. (Hear, hear.) He did not believe that he was guilty of any of them. (Hear, hear.) The Committee could not do otherwise than acquit Mr. Brown, but beyond this he would not go. He could not, he repeated, approve of the proceedings of the Commissioners, and on that account he could not entirely concur in¹²⁸ the minority report of Messrs. Sanborn and Wilson.... The present motion of Mr. Wilson was different however, and he should have no hesitation in voting for it should that one fail which he was about to move.¹²⁹ Mr. Felton then referred to the rereport [sic] of the majority and again expressed his coincidence with the views of the hon. member for London concerning it. What the Committee had to deal with was not the propriety or impropriety of any proceedings that had taken place, but merely to say whether anything proved against Mr. Brown amounted to the charges preferred against him of subornation of perjury and falsification of evidence. No judge would charge a jury in any other way than to say if the person charged were guilty or innocent of the crimes laid to his charge. He would not allow the jury to find certain facts, which could not amount to the charges made, in order that everybody might draw whatever deductions they liked from the finding. In dealing thus with Mr. Brown, he considered the majority had acted most unfairly. The Committee had a plain duty to perform, and that duty was to give a plain and distinct verdict. Let that verdict have been "guilty" or "not guilty," but one way or another there ought to have been a verdict; or if it were otherwise, it should not be so unless there were some peculiar and intricate questions of law, which might require the opinion of the judges as to their legal applicability to the facts involved. This was his (Mr. Felton's) view of the case, and in order to exemplify it, he would refer to the findings of the majority. First let them take the following passage: —¹³⁰

"Your Committee having maturely considered the same evidence, and diligently compared the testimony submitted to the Government by the Penitentiary Commissioners, with the written testimony taken by them, are of opinion that the testimony so reported by the Commissioners is not the true testimony given before them."

Now what kind of a finding was this? What charges, what deductions affecting the accused or accusations made could be inferred from this finding of a certain state of facts isolated and alone? Suppose these facts existed, what had they to do with what the Committee had to try? Why it would be just as if in a charge of larceny, a jury found that the prosecutor had found the property alleged to be stolen, in the possession of the defendant. Such a finding would have no meaning. The judge would not receive it, because the jury should either acquit the prisoner, or else, in order to find him guilty, not only find that the prosecutor discovered the goods with him, but also that they were his (the prosecutor's) property — that they were stolen, and if stolen, stolen by the person charged. Now let them come to the second part of the finding: —

"It would appear that if the evidence reported by the Commissioners was the evidence written down by their Secretary, there was a falsification of the original testimony."

Well, he (Mr. Felton) never in his life heard of such a finding as this, and he would appeal to the experience of all the lawyers in this House if they ever knew of anything like it. Why, what ought they to have done? Plainly, first found the existence of a certain state of facts, and then concluded either the guilt

or innocence of the accused, as following from such a state of facts. What, however, did they do? Why they formed a sort of conditional conclusion based on no facts whatsoever. They said, "if so, and so is the case," and this, he (Mr. Felton) repeated would not be allowed in any court of justice in the country. The Report then went on to say: —

"But how far Mr. Brown, who conducted the affairs of the Commission, and was in fact the Secretary also, was to blame separately from his colleagues, your Committee express no opinion."

Now Mr. Brown was not charged as part of the commission, but separately, with subornation of perjury and falsification of evidence, and the finding was a fact equivalent to nothing. It concluded nothing and decided on none of the charges made against Mr. Brown, and which it was the special and only duty of the Committee to investigate, and decide upon. Then there was the third finding, as to the dismissal of the officers, which he (Mr. F.) would also read for the House: —

"With reference to the subornation of perjury, and the promise of pardon to convicts to give evidence, your Committee find that nearly all the witnesses being officers of the Penitentiary who had given evidence in favor of Mr. Smith the warden, were dismissed, and that several who had been dismissed by the warden were reinstated after having given evidence before the Commissioners against him."

Here was another extraordinary finding. They had, as before, a number of facts set out, which no wit could draw any conclusion from as affecting the guilt or innocence of Mr. Brown. Let them take them all for granted and what deduction could they draw from them? Let them even go further and suppose that it was true that Mr. Brown procured the dismissal of some of the officers alluded to and the reinstatement of others, could that at all amount to the charge made against Mr. Brown? But it was not true; there was no evidence of it; but on the contrary there was evidence to show that Mr. Brown had not of himself used any improper influence on the matter, and this being so, it was highly wrong and improper for the Committee to put forward an insinuation, (hear, hear), for he (Mr. Felton) contended that this was an insinuation that the hon. member for Lambton was guilty of the charges preferred against him, and in reference to which they could not dare to find a distinct verdict of "guilty." For himself he must again repeat his conviction, that on the evidence the hon. member ought to have been fully and openly acquitted. (Hear, hear). After this came the last and most extraordinary finding, relative to the pardon of certain convicts; and of this he might say the same as of the preceding one — that if it were true, that Mr. Brown had procured the pardon of any convict, it would be no charge against him; but, in point of fact there was evidence to show that the hon. member had not interfered personally to have a single convict set at large. In doing so, he had only acted as the secretary and mouthpiece of the Commissioners, and it was absurd to endeavor to separate him and inculcate him separately from the rest of the Commissioners. This fourth finding was as follows: —

"Your Committee also find that two convicts who had given evidence against the warden, were recommended for pardon by the Penitentiary Commissioners, soon after the close of their proceedings, by Mr. Brown, the Secretary; and that the pardon of one was recommended not to be intimated to him until after his testimony should have been secured, and it was sworn to, by two witnesses, before the Commissioners themselves, that the said convict made no secret of his (convict's) pardon."

He (Mr. Felton) repeated that this contained no charge against Mr. Brown, nor was it in any way discreditable to the Commissioners. On the contrary, they acted perfectly right in concealing the fact of his pardon from the convict, in order to avoid influencing him in his testimony against the warden, by a promise to extend to him the Royal clemency. In this course, the Commissioners could not have proceeded with better judgment; and as to what was said about the convict making no secret of his expectations, why, did they not all know that individuals in the unfortunate position of the convict were always expecting to be pardoned? They had always plenty of friends who assured them that they would make every exertion in their behalf, and if they believed and expected their exertions would be successful, it was only acting according to the instincts of our common nature. For these reasons, Mr. Felton continued, he condemned the report of the majority, whilst, as he said before, he could not coincide with that of

the minority, which approved of the proceedings of the Commissioners. There is another subject now to which he would allude. Besides Mr. Brown, there had been another member of the House, on his trial before the Committee. (Hear, hear.) That member was the person who made the charges against the hon. member for Lambton. (Hear, hear.) If he had made those charges maliciously and without a shadow of foundation, he was liable to ... the deepest censure of the House and the country. He might, however, have believed that he had grounds for making the charges, and he (Mr. Felton) would suggest some justification for him of that kind. Therefore, while perfectly agreeing with the hon. member for London, in believing the complete innocence of the hon. member for Lambton, he (Mr. Felton) would move the following amendment to his (Mr. Wilson's) motion¹³¹, that all after the word "resolve," be struck out, and the following inserted: — "that while Mr. Attorney General Macdonald appears to have acted under a firm conviction of the truth of the charges made against Mr. Brown, and to have been justified in so doing by all the evidence then within his reach, yet — ".¹³²

DR. POULIN seconded the motion.¹³³

DR. ROLPH asked if any part of the proceedings before the Committee went to show that the Government endorsed the charges made by Attorney General Macdonald against the hon. member for Lambton.¹³⁴

MR. FELTON answered in the negative.¹³⁵

MR. SICOTTE the SPEAKER then put the amendment, which would make the original motion read as follows: —

"*Resolved*, — That, while Mr. Attorney General Macdonald appears to have acted under a firm conviction of the truth of the charges against Mr. Brown, and to have been justified in so doing, by all the evidence within his reach, yet that the testimony annexed to this report has, in the opinion of your Committee entirely failed to establish the truth of any of these charges against Mr. Brown."¹³⁶

MR. SOL. GEN. H. SMITH reviewed at some length the whole circumstances of this case, which, he said, was one involving great and weighty principles. Now, in the first place, looking over the entire report antecedent to the appointing of the commission no charges had been brought against any officer of the institution. It appeared that the investigation was sought for by the Warden of the Penitentiary.¹³⁷ The commission was subsequently appointed, and he should say that he deeply regretted that at least one legal gentleman had not been associated with the commissioners. Had there been even one legal gentleman among them, he felt confident they never would have acted in the unprecedented manner they had done. For hundreds of years past, there never was a commission appointed, the acts of which partook so much of the star-chamber or the Inquisition, as the commission composed of the hon. member for Lambton and his colleagues. Who ever heard of a felon giving evidence in a secret room with no person present to witness the proceedings save the prosecutors in the case? Yet, here, in the nineteenth century, the authorities were asked to credit such evidence as was totally ruinous to the character of a man of unblemished reputation. Having adopted this most extraordinary course, the commissioners then proceeded to report. And, here again, they adopted a most unprecedented course. Instead of handing the original evidence over to the government, to whom it properly belonged, the member for Lambton kept it in his own possession, secretly, for years; and it was not until a question arose as to the existence or non-existence of the books of evidence, that he admitted having them. In reference to the charges against the honourable member for Lambton, he would maintain that the two first charges — recording falsely the evidence of witnesses examined before the commission; and altering the written testimony of witnesses subsequent to that evidence being closed and subscribed — were substantially proved by the committee's report. The report of the Commissioners professed to be a digest of the prior proceedings, but it was, in reality, no such thing — it was most unquestionably a one-sided report. Portions of the evidence most

material to the accused were withheld, while the strong points against him were inserted at length. In fact, such a thing as finding a man guilty under the circumstances connected with the charges preferred against the Warden, was disgraceful and unparalleled. The very worst of testimony, given by the basest of characters, was taken behind the back of the accused, who was even deprived of the benefit of counsel. His accusers sat as his judges, and passed sentence of conviction on him. The whole affair was one of the most monstrous acts of injustice ever perpetrated.¹³⁸ One of his great complaints against ... [the Commission] was, that he himself had been at first refused permission to attend as clerk to his father, because he (the Solicitor General,) was a party to complaints made against the institution; but he admitted that the Commissioners offered to waive the objection if the Warden particularly desired it. Mr. Smith then endeavoured to break the force of Mr. Wilson's criticism of the discrepancies said to exist between the printed report and the original evidence¹³⁹. There was no use in asserting that the evidence taken by this commission was not falsified. Charges of excessive cruelty were made against the Warden, but when the complete evidence was produced, these charges were proved to be utterly groundless. In order to sustain the charge of cruelty, it was alleged in the report that, owing to excessive punishment, a convict named Charlotte Reveille, had been goaded into a state of insanity. In that report, however, he failed to find a portion of the evidence of Mrs. E. Chase, which completely exonerates the Warden from this charge. The portion he referred to was as follows: — "Witness is sure that Reveille is not insane. Reveille told witness this morning that she wished Mrs. Smith was here; that she would not then be left in the state she is; she also said to witness that she misses Mrs. Smith's kindness. Reveille used sometimes to speak badly of the Warden; she said she never would have done so had she not been put up to it." Why was not that fully reported? Was there a fair digest made of the evidence in that instance? And that case was but the type of the rest. Witnesses were brought forward to sustain the charges, whose evidence was sworn to be unworthy of credit, even on oath; and all the punishments which had been inflicted in the penitentiary for three months subsequent to the dismissal of the Warden, were set down to that gentleman's account. Altogether, a more disgraceful act was never perpetrated in the country, and he hoped in God it never would again. The member for Lambton sat on that tribunal as Commissioner, accuser, inspector, hunter-up of witnesses, judge and denouncer, and secreted the evidence taken on the commission for years afterwards. He (Mr. Smith) believed it was rightly said that the object of the Commissioners was to make a clean sweep of it, and remove all the officers of the institution; and not content with having removed the Warden and one of his sons, they even proceeded to investigate his (Solicitor General's) private affairs, in order to bring charges against him.¹⁴⁰

MR. SICOTTE the SPEAKER interrupted the hon. gentleman, stating that he was entering into a theme not exactly before the house.¹⁴¹

MR. BROWN hoped the house would allow the hon. gentleman full fling; as he (Mr. Brown) was quite prepared to answer him.¹⁴²

MR. SOL. GEN. H. SMITH resumed, and after some further observations hoped the house would receive the report of the majority committee.¹⁴³

MR. CASAULT moved the adjournment of the house.¹⁴⁴

MR. BROWN hoped that if the debate were adjourned, the house would take it up to-morrow, and not keep these charges hanging over his head.¹⁴⁵

MR. SOL. GEN. H. SMITH opposed the motion on the ground that taking up the debate on either of the two succeeding days would be an unnecessary interference with Government business.¹⁴⁶

MR. A. DORION urged the House, in so important a matter, to sit one hour longer.¹⁴⁷

A general discussion ensued as to the propriety of proceeding with the debate as the first Order of the Day.¹⁴⁸

MR. AT. GEN. J.A. MACDONALD replied to the appeal of the member for Montreal¹⁴⁹. [He] protested against the hon. member for Lambton, stating he was ill-treated. The hon. members for Crompton [sic], London, and the hon. member for Lambton himself had already addressed the House in condemnation of him (Mr. Macdonald), and those speeches had been circulated through the length and breadth of the country, while he had not a single opportunity of reply; and yet the hon. member for Lambton persisted in considering himself badly treated. Now, he would ask, was that fair? In addition to this, the hon. member for Lambton had succeeded in getting the minority report printed in almost all the newspapers in the Province, and, in fact, taking every means to prejudge the case — even going so far as not only to commit a breach of the privileges of that House, but also a breach of faith. He was the aggrieved party, but still was willing to accommodate the House and adjourn the debate till Thursday; but it was a matter which would be decided before the House rose.¹⁵⁰

The debate was finally adjourned till Thursday¹⁵¹.

(642)

Mr. *Wilson* moved in amendment to the Question, seconded by Mr. *Holton*, That all the words after "That" to the end of the Question be left out, and the words "the evidence adduced before the said Committee completely fails to substantiate any of the charges against Mr. *Brown*" inserted instead thereof;

Mr. *Felton* moved in amendment to the said proposed Amendment,¹⁵² That the words "while Mr. Attorney General *Macdonald* appears to have acted under a firm conviction of the truth of the charges made against Mr. *Brown*, and to have been justified in so doing by all the evidence then within his reach, yet that" be inserted before the words "the evidence;"

And a Debate arising thereupon;

On motion of Mr. *Casault*, seconded by Mr. *Rhodes*,

Ordered, That the Debate be adjourned until Thursday next, and be then the first Order of the day.

Then, on motion of Mr. Solicitor General *Smith*, seconded by Mr. *Thomas Fortier*,
The House adjourned.¹⁵³

Appendix

[POSTPONED MOTION RE: QUEBEC WATER WORKS BILL.]

On the motion for committing the Quebec Water Works Act Amendment Bill,¹⁵⁴

MR. SOL. GEN. D. ROSS objected to the motion. The Bill had originated with the Legislative Council, and regulated the amount of tax which should be imposed by the Quebec Corporation under the Bill. This, the hon. member submitted, was contrary to the rules of the house.¹⁵⁵

MR. J.S. MACDONALD thought it was clear that the Bill should have originated with the Assembly.¹⁵⁶

SIR A. MACNAB did not think that the rules of the house had been infringed upon, but thought it would be better if the Bill were allowed to stand over.¹⁵⁷

MR. SOL. GEN. D. ROSS explained that this was a separate Bill originating with the Council, authorising the increase of a particular tax. He was of opinion that there could be no doubt that the rules of the house had been infringed upon.¹⁵⁸

On the suggestion of MR. SICOTTE the SPEAKER,¹⁵⁹

MR. CASAULT, the mover of the Bill, consented to postpone it.¹⁶⁰

Footnotes

1. *Toronto Daily Leader*, 17 June 1856, reports that "a short discussion took place on the motion to adopt a report of the committee on contingencies, having reference to the pictures which Mr. Paul Kane owes to the House. The report was lost on a division."
2. *Globe*, 17 June 1856.
3. *Ibid.*
4. *Ibid.*
5. *Toronto Daily Leader*, 17 June 1856.
6. *Globe*, 17 June 1856.
7. Both *Globe*, 17 June 1856, and *Toronto Daily Leader*, 17 June 1856, differ from the *Journals* and report that 52 members voted against the amendment, but neither provides a list of voters.
8. *Globe*, 17 June 1856.
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Globe*, 17 June 1856, reports that "certain alterations ... [were] made, to assimilate the Bill to that amending the Charter of the Montreal Bank".
14. *Globe*, 17 June 1856.
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. Both *Globe*, 17 June 1856, and *Toronto Daily Leader*, 17 June 1856, differ from the *Journals* and report that 27 members voted in favour of the amendment, but neither provides a list of voters.
19. *Globe*, 17 June 1856.
20. *Ibid.*
21. *Ibid.*
22. *Toronto Daily Leader*, 17 June 1856.
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Globe*, 17 June 1856.
28. *Ibid.*
29. *Ibid.*
30. *Toronto Daily Leader*, 17 June 1856.
31. *Ibid.*
32. *Ibid.*
33. *Globe*, 17 June 1856.
34. *Ibid.*
35. *Toronto Daily Leader*, 17 June 1856.
36. *Ibid.*

37. *Toronto Daily Leader*, 17 June 1856.
38. *Globe*, 17 June 1856. This newspaper does not report the beginning of the debate, but before giving this statement by Mr. Cartier, it states that "a rather sharp discussion took place in reference (as we understood) to some alterations proposed by Mr. Attorney General Cartier, but it was conducted in such a low tone by a few members collected about the table, that it was difficult to hear a word. Several hon. members called 'order,' and desired to know 'what was going on.' " As this information is not reported in *Toronto Daily Leader*, 17 June 1856, it is difficult to know how the discussion evolved.
39. *Toronto Daily Leader*, 17 June 1856.
40. *Ibid.*
41. *Globe*, 17 June 1856.
42. *Toronto Daily Leader*, 17 June 1856.
43. *Globe*, 17 June 1856.
44. *Ibid.*
45. *Toronto Daily Leader*, 17 June 1856. *Globe*, 17 June 1856, simply reports that Mr. Holton said "a few words".
46. *Globe*, 17 June 1856.
47. *Toronto Daily Leader*, 17 June 1856.
48. *Toronto Daily Leader*, 17 June 1856. *Toronto Daily Leader*, 18 June 1856, reports a commentary on the Bill to incorporate the Transatlantic Telegraph Company.
49. *Globe*, 17 June 1856.
50. *Ibid.*
51. *Ibid.*
52. *Toronto Daily Leader*, 17 June 1856.
53. *Globe*, 17 June 1856.
54. *Toronto Daily Leader*, 17 June 1856.
55. *Globe*, 17 June 1856.
56. *Ibid.*
57. *Toronto Daily Leader*, 17 June 1856.
58. *Ibid.*
59. *Globe*, 17 June 1856.
60. *Toronto Daily Leader*, 17 June 1856. *Globe*, 17 June 1856, reports that Mr. Foley said: "The hon. and gallant knight and his friends ... wished for their own ends surreptitiously to introduce a clause into the Hamilton and Port Dover Bill, incorporating it as the Hamilton and South Western Railway."
61. *Globe*, 17 June 1856.
62. *Toronto Daily Leader*, 17 June 1856.
63. *Globe*, 17 June 1856.
64. *Toronto Daily Leader*, 17 June 1856.
65. *Globe*, 17 June 1856.
66. *Toronto Daily Leader*, 17 June 1856.
67. *Globe*, 17 June 1856.
68. *Ibid.*
69. *Toronto Daily Leader*, 17 June 1856.
70. *Globe*, 17 June 1856.
71. *Toronto Daily Leader*, 17 June 1856.
72. *Globe*, 17 June 1856.
73. *Ibid.*
74. *Toronto Daily Leader*, 17 June 1856.
75. *Globe*, 17 June 1856.
76. *Toronto Daily Leader*, 17 June 1856.
77. *Globe*, 17 June 1856.
78. *Toronto Daily Leader*, 17 June 1856.
79. *Globe*, 17 June 1856.
80. *Ibid.*
81. *Ibid.*
82. *Toronto Daily Leader*, 17 June 1856.
83. *Ibid.*
84. *Globe*, 17 June 1856.

85. *Toronto Daily Leader*, 17 June 1856.
86. *Globe*, 17 June 1856.
87. *Toronto Daily Leader*, 17 June 1856.
88. *Globe*, 17 June 1856.
89. *Toronto Daily Leader*, 17 June 1856.
90. *Globe*, 17 June 1856.
91. *Toronto Daily Leader*, 17 June 1856.
92. *Telegraph (Morning Chronicle)*, 20 June 1856).
93. *Globe*, 17 June 1856.
94. *Ibid.*
95. *Ibid.*
96. *Ibid.*
97. *Globe*, 17 June 1856. *Toronto Daily Leader*, 17 June 1856, reports that this gentleman "entered into an amusing account of the prospectus of this mystical scheme."
98. *Toronto Daily Leader*, 17 June 1856. *Telegraph (Morning Chronicle)*, 20 June 1856) reports the following summary: "The motion for the second reading ... was opposed by several members, on the ground that it was not a private bill, and should not be taken up out of its order.... It being near six o'clock, Mr. Brown, Mr. McKenzie and others spoke against time until that hour, which had the effect of postponing its consideration until another day."
99. In a commentary, *Globe*, 17 June 1856, specifies that the reception of this Report was the first Order of the day, and that "Mr. Ferres moved the adoption of the report without remark."
100. *Globe*, 18 June 1856.
101. *Ibid.*
102. *Ibid.*
103. *Globe*, 18 June 1856 (in Scrapbook Hansard). This source is used throughout this debate whenever the original report of the *Globe* is illegible.
104. *Globe*, 18 June 1856. The ellipsis in the quotation from the Report of the Penitentiary Commission is reprinted as it appears in this newspaper.
105. *Globe*, 18 June 1856.
106. *Ibid.*
107. *Globe*, 18 June 1856 (in Scrapbook Hansard).
108. *Globe*, 18 June 1856.
109. *Ibid.*
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Ibid.*
114. *Ibid.*
115. *Ibid.*
116. *Ibid.*
117. *Globe*, 18 June 1856. The ellipsis in the quotation from the Report of the Committee is reprinted as it appears in this newspaper.
118. *Globe*, 18 June 1856 (in Scrapbook Hansard).
119. *Ibid.*
120. *Ibid.*
121. *Globe*, 18 June 1856.
122. *Globe*, 18 June 1856 (in Scrapbook Hansard).
123. *Globe*, 18 June 1856. In a commentary, *Toronto Daily Leader*, 17 June 1856, reports that Mr. Wilson "opened [the discussion] by a speech of over two hours length". *Globe*, 17 June 1856, reports the following information: "[Mr. Wilson] took up seven cases mentioned by Mr. Macdonald in his speech before the Committee, in which important omissions were alleged. In each of these instances Mr. Wilson showed by the clearest evidence, that the language omitted was not material to the particular charge made against the warden; that in some cases, the same statements were made by other witnesses and admitted to be true, and that in others the same ideas had been given for the sake of brevity in other words. Referring in every case to the reports and reading from the evidence, he called upon the House to say whether there was any foundation in any of the cases for a charge of misstating the evidence to the Government, and was met with cheers from the Opposition and silence from the ministry."
124. *Globe*, 18 June 1856.

125. *Globe*, 18 June 1856.
 126. *Ibid.*
 127. *Globe*, 18 June 1856 (in Scrapbook Hansard).
 128. *Ibid.*
 129. *Globe*, 17 June 1856. This excerpt is taken from a commentary.
 130. *Globe*, 18 June 1856 (in Scrapbook Hansard).
 131. *Globe*, 18 June 1856.
 132. *Toronto Daily Leader*, 18 June 1856.
 133. *Ibid.*
 134. *Globe*, 18 June 1856 (in Scrapbook Hansard).
 135. *Ibid.*
 136. *Ibid.*
 137. *Ibid.*
 138. *Globe*, 18 June 1856.
 139. *Globe*, 17 June 1856. This excerpt is taken from a commentary.
 140. *Globe*, 18 June 1856.
 141. *Ibid.*
 142. *Ibid.*
 143. *Ibid.*
 144. *Globe*, 18 June 1856. In a commentary, *Toronto Daily Leader*, 17 June 1856, reports that this motion was made "about ten minutes to 12 o'clock".
 145. *Globe*, 18 June 1856.
 146. *Ibid.*
 147. *Toronto Daily Leader*, 17 June 1856.
 148. *Ibid.*
 149. *Ibid.*
 150. *Toronto Daily Leader*, 18 June 1856.
 151. *Toronto Daily Leader*, 18 June 1856. In a commentary, *Globe*, 17 June 1856, reports that "the adjournment of the debate ... was objected to by the opposition, unless the discussion were to be continued to-day at noon. In the most unfair manner, ministers objected to this, on the ground that it was Government day; and although two or three members urged that there should be no delay in settling the matter, the Government carried the day, and the subject was postponed till Thursday, then to be the first order of the day."
- Commentaries on this debate are reported in *Toronto Daily Leader*, 18 June 1856, *Globe*, 20 June 1856, and *Western Planet*, 25 June 1856. Furthermore, the evidence taken before the Committee investigating the charges against Mr. Brown is published in a supplement to the *Globe*, dated 13 June 1856. A short commentary on these proceedings is reported in *Globe*, 14 June 1856.
152. For this motion, the *Journals* do not give the name of the seconder. According to *Toronto Daily Leader*, 18 June 1856, the motion was seconded by Dr. Poulin.
 153. *Globe*, 18 June 1856, *Toronto Daily Leader*, 18 June 1856, and *Telegraph (Montreal Gazette)*, 18 June 1856 all report that the House adjourned at midnight. *Telegraph (Morning Chronicle)*, 20 June 1856 reports that it adjourned at a quarter past twelve.
 154. *Globe*, 17 June 1856.
 155. *Ibid.*
 156. *Ibid.*
 157. *Ibid.*
 158. *Ibid.*
 159. *Ibid.*
 160. *Ibid.*

TUESDAY, 17 JUNE 1856

(642)

ON motion of Mr. *Jobin*, seconded by Mr. *Valois*,

Ordered, That the Eighth Report of the Standing Committee on Contingencies be taken into consideration on Thursday next.

Ordered, That the Petition of *C. Cimon* and others, of the Parish of *St. Etienne dite [sic] la Malbaie*, be referred to the Select Committee to which was referred the Bill to amend the Municipal and Road Act of 1855.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act to enable the Town Council of the Town of *St. Catharines* to sell and convey certain lands purchased by the said Council for the purpose of a Public Cemetery:"

(643)

Bill, intituled, "An Act to provide for the separation of the County of *Peel* from the County of *York*:"

Bill, intituled, "An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates and Property therein described, now vested in the Principal Officers of Her Majesty's Ordnance, and for vesting other part of the Ordnance Estates and Property therein described in Her Majesty the Queen, for the benefit, use, and purposes of this Province:"

Bill, intituled, "An Act to set off part of the County of *Chicoutimi* as a separate Municipality, and to render valid certain Elections in the Townships therein mentioned:"

Bill, intituled, "The Seigniorial Amendment Act of 1856:" And also,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Union Bank of *Upper Canada*," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the improvement of Water-courses," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

MR. COM. CR. LANDS CAUCHON moved the house into committee of the whole, to consider the following resolution relative to granting to the proposed Lake Huron and Quebec Railway, as an aid and encouragement, a portion of the ungranted lands of the Crown: —

"Resolved, That in order to aid and encourage a Railway from Pembroke, on the River Ottawa, to Lake Huron, it is expedient that _____ millions of acres of the ungranted lands of the Crown adjacent to the line of the said railway, should be set apart for that purpose; and that whenever any portion of the said railway, not less than twenty-five miles in length, shall be actually completed in a good and permanent manner, equal at least to that in which the _____ Railway is made, and with Stations, Rolling Stock, and other appurtenances sufficient for the proper working of the said railway, then, upon the report of some skilled Engineer whom the Governor shall appoint for the purpose, and the approval of such report by the Governor in Council, that there should be granted to the said Lake Huron, Ottawa and Quebec Junction Railway Company, by the Governor in Council, a portion of the said _____ millions of acres of land lying adjacent to the portion of the said railway so completed, and bearing such proportion to the _____ millions of acres as the length of the portion of railway so completed bears to that of the whole

of the said railway; and that such grant should be a free grant, and the Company should have full power to alienate the lands so granted, and to deal with them in such manner as they may think proper."¹

In addition to this, he would move that the following clause be inserted in the bill: —

"The said Company shall be obliged to offer for sale by public auction at least 200,000 acres of the land so to be granted in aid to them, in each year after the completion of the said railway, and under such terms and conditions as may be from time to time determined upon by the Governor in Council."

In introducing this resolution, the hon. gentleman recapitulated the arguments with which he formerly urged this measure.² He claimed the support of the Hon. J.S. Macdonald for the proposition, as that gentleman had testified great anxiety to be on friendly terms with the French members of the House.³ He [also] expected the aid of the member for Lambton, after his speech the other day, in which he said that, if it could be shown that the prospects of the road were good, he would support this scheme⁴, so as to bring the other lands of the Crown in the section of country through which that road would pass into the market.⁵

MR. BROWN denied the accuracy of the quotation of his speech made by the Commissioner of Crown Lands, asserting that he has limited himself to a promise to consider the subject if a survey was made of the territory, and if it showed that a large body of lands fit for cultivation would be opened up.⁶ [He had said] that if information were given to the house, showing that the resources of the territory through which the road was to pass were such as had been represented, then he might go for aid of some sort being given to the road — but certainly never for this scheme.⁷

MR. COM. CR. LANDS CAUCHON affirmed that he had correctly quoted the spirit of Mr. Brown's speech. He contended that there was no necessity for a survey. These lands are now of no value, while making this railway would make ten millions of acres of land of great value to the country. In the State of Illinois they had made a similar grant of land to a railway company, and now on that line they had a population of 80,000, and all the property was now of great value. In Congress there are now applications for 10 millions of acres for railway purposes, all of which will be granted.⁸ Some people objected to the scheme as granting a large quantity of public land to a private company. But he would say that no such grant was proposed. It was proposed to give the lands to a railway company, a course which had been very successfully adopted in the States⁹. There was a great difference between ordinary land companies and Railway Companies holding land, for it was the interest of the latter to have their lands settled as quickly as possible.¹⁰ The present scheme had been fully approved of by several gentlemen, fully competent to judge of its merits — among them were, Mr. Keefer, Mr. Hamilton and Mr. Gilmor. He could not see what reasonable objections could be offered to it. There were some 13,000,000 acres of waste lands, out of which it was only proposed to take 4,000,000 acres to increase the value of the remaining 9,000,000 acres.¹¹ [He] then proceeded to read extracts from reports of surveyors, to show that the country to be opened up contained good soil, and had a good climate.¹² He continued to speak of the resources of the Western country, and the efforts made by the U.S. Government to develop them. By adopting this scheme, he contended that they would obtain the whole of the trade from Lake Superior, and would also be able to supply the Western Country with timber.¹³ If it was found on exploration that the land was not good, it would not be taken up. It would only be taken, if it was proved on exploration that the land was good, so that the Province could not lose in either event.¹⁴ Altogether, if hon. members only gave the scheme their full attention they would perceive that the scheme was not only feasible but profitable.¹⁵

MR. FELTON [said] ... it might have been expected that in ... the system of sustaining railways by grants of land, the Commissioner of Crown Lands, would have given the House ample information respecting his project. But the course pursued by that hon. gentleman was directly the reverse. No statesmanlike view of the case was taken by him; nor did he even condescend to supply the House with that information which was absolutely necessary.¹⁶ [He was] leaving members almost entirely to their own

resources, in deciding how they should receive the scheme. The Commissioner of Crown Lands might say it was too late in the session to give long explanations.¹⁷ That hon. gentleman delayed this scheme till the last moment, and he (Mr. Felton) would assert it as a fact that the commissioner kept his scheme for a full month before the Council, when there was not the slightest occasion for a moment's delay, had he not wished to retard the measure. He (Mr. Felton) had been informed that the hon. Crown Land Commissioner was in possession of the full details of his scheme, at least six months ago, and yet he neglected to bring the matter before the House until the very last moment.¹⁸ But why was it so late in the session before the scheme was brought forward? There was no difficulty in carrying it by a majority, but the hon. gentleman kept it back till now, as gold in his purse, to be ready to meet political difficulties. (Hear, hear.) Every one of his colleagues was prepared to act with him — there were no difficulties thrown in the way — the whole delay was caused by the hon. gentleman's own dilatoriness. Whether that dilatoriness was occasioned by indolence or by incapacity or by policy, it was for the Commissioner himself to say.¹⁹ There was no doubt that the Illinois Railway had been most successful and he for one was friendly to the scheme of the Commissioner of Crown Lands, but they should fairly look the difficulties of the scheme in the face. In the case of the Illinois Railroad, the railroad ran through a sort of agricultural Eden, requiring the least [sic] possible labour to render it productive; but they knew nothing of the country through which this road ran, what the quality of the land was, and what the difficulties in the way of making the road were.²⁰ If the circumstances of the district through which this was to pass were different, they should be very cautious and not run into it rashly. He had heard it whispered that the Grand Trunk and North Shore schemes were to be carried through *pari passu*, as Siamese Twins, like the Seigneurial Tenure and Clergy Reserve questions of last session, the friends of the Grand Trunk having to vote for the North Shore or forfeit their own scheme, and *vice versa*. (Hear, hear.) Was this true — that, in order to carry the Grand Trunk proposition, in its present very objectionable shape, the North Shore was to be chained on to it? For himself, if he had not such a strong interest in the North Shore Road, he would be much disposed to swallow neither of the schemes. As it was, however, he was disposed to take the North Shore scheme with all its imperfections.²¹

MR. RANKIN was in favor of this scheme, and would vote for going into committee, that they might discuss the scheme more fully.²² [He] trusted there would be no opposition offered to going into committee. This subject was well worthy the consideration of every hon. gentleman who wished to see the country increase in its population and its revenue, and ought to receive the most favorable consideration of the House.²³ He thought they should, however, carefully abstain from giving any opinion to the public as to the value of the lands which were now proposed to be granted.²⁴ He would be glad if the Grand Trunk could be relieved from its difficulties in the same way, by getting a grant of uninhabited lands, at present yielding no revenue.²⁵

MR. AT. GEN. J.A. MACDONALD said he was commanded by his Excellency to state that he gave his consent to the action of the house in this matter. He went on to say²⁶ [that he] thought the great value of the schemes depended [sic] on the manner in which the corporation to which the land was granted was obliged to settle them.²⁷ If the scheme was carried, the Railway Committee would impose conditions which would prevent the evils of a monopoly.²⁸ He thought they should be allowed to go into committee at once.²⁹

MR. J.S. MACDONALD was not prepared to support the initiating of a policy for granting millions of acres of the public lands to private companies.³⁰ He thought it was one [scheme] hatched just for the purpose of giving aid to the existing Government. Was it wise that they should in the present state of affairs, make large grants of land to wild schemes of which they knew nothing?³¹ Where was this company that was to get four millions of acres? What security was there for their constructing a road? And what prospect was there of the road being profitable, when constructed? It was the President of the company (Mr. Cauchon) himself who moved this scheme. He had never heard of such a bare-faced proposition

being made by any member of the house. As President of the road, he was to get millions of acres; and as Commissioner of Crown Lands, he was to select which lands should be given. The support to be given to this proposition, in the house, was not on account of its merits as an isolated scheme, but because it was tacked on to other schemes. Was that a proper course of procedure, for the Government to carry their schemes in that way, by taking advantage of and bringing over the various sectional interests, granting one scheme in order to buy support for another, neither of which was for the interests of the country. It was time that the people rose in their might, and swept away a government which so trifled with them, and betrayed the trust committed to them. He was afraid that the history of the North Shore would be a repetition of the history of the Grand Trunk.³² It was the Liverpool lumber merchants, through Mr. Baby, to whom they looked for assistance to make this road³³. Grant this, and Mr. Baby, or some one else, would go over to England and point out that the Government of Canada had so much confidence in the road as to give it four millions of acres. English capitalists would thus be induced to take stock in it, and then, when they found that they had been deceived, they would come and claim that the Province should take them out of their difficulties. Unhappily, public morality in this country was not as high as it was in England, where, for a public man to impose on the country, would ruin his reputation. Here it was different; and if a man could chisel well, he was only deemed a very clever fellow.³⁴ It was well known that the Ministry were obliged to sanction this scheme in order to retain their seats. He would scorn to hold a seat in a government which was compelled to legislate contrary to public opinion of Upper Canada, in order to perpetuate its tenure of office.³⁵ They were told this was a private enterprise. So it was as far as the Bill was concerned, but as far as the grant was concerned it was public. They were told, the lands to be granted were worth nothing; but how did they know that? What exploration had there been.³⁶ Before entering on this scheme they should have the ful[l]est information as to the quality of the land, the mineral and other resources of the country. There was no comparison [sic] between the territory through [which] the Illinois railroad passed and that which they were now discussing.³⁷ The hon. gentleman then read a letter from Washington, disapproving of the wholesale system of land grants to railways, which had been pursued at the current session of the United States Congress.³⁸ The hon. Commissioner of Crown Lands says he is not personally interested in this matter; but the hon. gentleman knows that his seat as a minister of the Crown is not worth a day's purchase if he does not carry out this scheme. Did not the hon. member for Muskegon [sic] say the other night that he would vote against any government that would not carry through this measure, and yet the hon. Commissioner says he is not interested in it.³⁹ He has every interest in it that a man can have, as a citizen of Quebec, and as a member of a Government whose political existence depends on this measure⁴⁰. It was lamentable to think that they were into a system of legislation regardless of the results, pushing through schemes which could not be carried out on their own merits; obliged to take up measures of more than doubtful expediency, in order to secure votes enough to carry through any measure that might be beneficial to the country.⁴¹ The Quebecers know well that unless they get the 4,000,000 [acres] the Grand Trunk is lost. The success of one measure depends upon the success of the other⁴². The Grand Trunk scheme could not be carried through on its own merits.⁴³

MR. AT. GEN. J.A. MACDONALD. — It ought to be.⁴⁴

MR. J.S. MACDONALD. — Of course it should — but there are so many absurdities connected with it that it would never be carried out.⁴⁵ He (Mr. Macdonald) had no particular interest in the Grand Trunk scheme; he felt only honestly when he opposed it and other schemes of a doubtful character, like the one before the house.⁴⁶ After alluding to various other points of doubtful legislation the hon. member concluded by moving in amendment to the effect that this House do not now go into committee of the whole on the resolutions; but that it be resolved that the adoption of a policy which recognizes the grant of aid to private companies for the construction of railway undertakings, by the appropriation of millions of acres of public domain, is of more than doubtful expediency, and more especially in the case of the present application, which is unaccompanied by any statistical information as to the description of the

lands, comprising more than 80 miles square, intended to be granted to the North Shore Railway, and unaccompanied by any survey of the road or estimate of the cost of said road, or any estimate of the probable traffic.⁴⁷

MR. COM. CR. LANDS CAUCHON said there was an error of fact in that amendment as it referred to the North Shore Railroad. The resolutions before the chair did not mention the North Shore Railroad⁴⁸, but a line from Lake Huron to Quebec. (Oh! oh!)⁴⁹

MR. MARCHILDON ... [said] a few words⁵⁰.

MR. ALLEYN felt very much amused with the moral tone assumed by the hon. member for Glengary. But he was not prepared to give to that gentleman a higher degree of morality than other members in the house.⁵¹ [He], however, allowed that the Bill had been brought up before the house rather late.⁵² Hon. gentlemen on the other side of the house have spoken against the inutility of the proposed road. That the railroad from Lake Huron to Quebec would be an advantage to the country had been admitted in principle. And in the scheme before the house now certain conditions would have to be fulfilled.⁵³ The other day, the hon. member for Lambton had admitted the principle of land grants to railways, under certain conditions. Those conditions, he (Mr. Alleyne [sic]) considered to be subsequent conditions⁵⁴. He could not see how the lands proposed to be given to the company were of any great value either to the company or to the country. Indeed, as they now are they are of no use to any one. And if the company by running their line through this district increased the value of land and made it to yield a revenue to the country, he could not see where the loss was, whether it was sold by the Crown Land office or given to the company, that they might increase its value. In any case the country would not lose.⁵⁵ The hon. member for Glengary also had said that this Bill was not looked upon favourably by his constituency; but he (Mr. Alleyn) thought that an honourable and upright statesman⁵⁶ ought to vote contrary to the express wishes of his constituents, when the good of the Province was at stake. That was the course that he took himself, and he acted up to his views on all questions. If he could reconcile his vote to the good of his country, well and good; but if not he would vote against his constituents, and if he was not returned to Parliament again, he would at least have a clear conscience. He looked on the proposed line as one of general interest — not one of local interest — between Quebec and Montreal. It is very probable that some day or other, we will have a war between Canada and the United States, and such an event being possible, he would say that this Province had gone too much towards the States — too much south. And he looked on the North Shore Railroad as one of great importance if such an event did occur — as after the war broke out the line from Richmond to Quebec would become untenable. Another reason that he had for upholding the proposed line was that Lower Canada is especially adapted for manufacturing purposes, and the communication through the Province must be as cheap as possible, and the proposed line would bring about the desired communication.⁵⁷ For this even four millions of acres would not be sufficient; and he hoped there would yet be other grants for the same object.⁵⁸ The hon. gentleman here drew a contrast between the railroads in the United States and those of this Province — and wound up by stating that the proposed line was one of vast advantage to the country. The hon. gentleman again resumed.⁵⁹ On general principles the province is bound to assist in the construction of railroads, and the most profitable means of giving that assistance is by granting to a Company a portion of those lands which are now lying waste.⁶⁰ When the house gave money to a railroad that money was taken from the country; but when land was given as a necessary consequence the company must make these lands valuable for their own sakes. This was one of those questions that could not be viewed otherwise than a great national one, not a party question. With these remarks he would support the motion.⁶¹

MR. MERRITT had observed on various occasions the wastefulness of the Parliament of this country in managing the public lands, and it has filled him with dismal forebodings.⁶² Land was the only capital of this country, and it was the duty of an enlightened statesman to preserve it for the educational

purposes of future generations. In 1849, an act had been passed with this object; but it had been basely administered.⁶³ The capital of this country is being exhausted. Every year that he has been in the House the cost of the land department has exceeded the amount of the sales, and the deficiency was made up from the timber fund.⁶⁴ The last Government would be looked upon by posterity as the most reckless and unprincipled set of politicians that ever had disgraced a country. What was he to think when he saw all the members from Lower Canada supporting this scheme, but that they were willing to injure Upper Canada for their own sakes.⁶⁵ The hon. member here referred to the Trois Pistoles line, which he stated did not pay one farthing, and the Richmond and Quebec lines [sic] which was sustained by public credit. The hon. member for Quebec has stated that the proposed line will be useful in case that war broke out between the United States and this Province. But he would tell that hon. gentleman that it [sic] such a case the country would require a line to run to the frontier of the Province — there the enemy could be met. The hon. gentleman would have us to run back from an invasion — but he would say that the country would go and meet the invaders. His chief objection to the proposed scheme was that the Administration were depriving posterity and the people of the country of what is their right.⁶⁶ Was there a single man in the house who really believed that this line would pay a farthing? Look at the States railways which run north and south? Their stock was worth nothing, although going through a country which was populous and having the advantage of an Atlantic port at the terminus.⁶⁷ When the Odgensburg [sic] Railway did not give any dividend, and the New York Central stock was only 95, and that of the New York and Erie at 40, who could think that this road would pay? The Grand Trunk have taken away the customs revenue, and here was a scheme to take away their lands. Was it just to those who wolud [sic] succeed them that they should enter into this scheme.⁶⁸ If this was to pass, as an inevitable consequence, a dissolution of the Union would follow, and he wished that he could dissolve the Union. In conclusion, he would throw the responsibility of passing this measure on the members of the House, — and would record his vote against it.⁶⁹

MR. MARCHILDON attacked the Railway policy of the Government generally, especially with respect to the Grand Trunk, and concluded by moving a resolution in amendment, declaring that the Ministry were acting in defiance of the constitution in holding office after the rejection of Mr. Spence's motion about the Separate Schools, by a majority of 6⁷⁰, on the 12th instant.⁷¹

MR. SICOTTE the SPEAKER refused to put the amendment, as being irrelevant to the question before the house.⁷²

MR. CHABOT supported the scheme. The domain of the Crown in that part of the Province had heretofore been unproductive. This scheme was calculated to open it up and make the land valuable. He thought Upper Canadians ought not to complain of, or object to this scheme, since the grant was to be devoted to the construction of the road from the Ottawa and Lake Huron, through Upper Canadian territory, and would increase the value of the rest of the land in the district traversed.⁷³

MR. LORANGER said that there was nothing in the bill which conceded a grant of land to the Company. The resolutions now before the House gave that grant of land; and he is in favor of their being passed; but the two questions should not be confounded.⁷⁴ [He] supported the scheme as a great national undertaking, but he objected to the terms of the bill as not distinctly showing that any aid [would be given] towards the construction of the road between Pembroke and Quebec, only from Pembroke to Lake Huron.⁷⁵ [He] denied that the Lower Province would receive any monetary advantage in the construction of railways, from the granting of the land in Upper Canada. Every realisable farthing would, on the contrary, be spent in the construction of the line between Pembroke and Lake Huron.⁷⁶

MR. COM. CR. LANDS CAUCHON explained that the intention was by means of the grant to aid the whole line. He went on to show that this sort of aid was more direct and more advantageous than

the usual form of guarantee given to Railways in the Province.⁷⁷ The difference in the aid to be given to the Company from that given to other Railway Companies, is that the other Companies have received the Provincial guarantee for a certain portion of the expense, which has enabled the shareholders to derive a profit from their investment before the road has been completed, while this Company is to receive a grant of land for the same purpose — not that it is expected that the sale of the land will be sufficient to pay the expenses of constructing the road alone, but because it will be a considerable aid to the Company.⁷⁸ The guarantee given heretofore was indeed a certificate with respect to the character of the work, but it became a first charge upon the work standing in the way of shareholders respecting profit from the investment, or raising further means. But here was a direct grant of lands in aid of the works without any lien in return.⁷⁹ The Company having a right to this land in consequence of the Parliamentary grant, will be enabled to go to capitalists in Europe, and say “here is our title for 4,000,000 of acres, we want the necessary sum of money to enable us to build this Railroad,” then the position that the Company occupies is that it requires at once a sum of money to enable it to go on at once with the road, instead of being obliged to depend upon the sale of shares for obtaining money.⁸⁰ It was a more liberal grant, he contended, than that given to the Illinois Central Road.⁸¹

MR. EVANTUREL looked upon the project of a Railroad from Lake Huron to Quebec as a national work, not as a work to be influenced by local questions as regards Quebec or Montreal. He desired to see it constructed for the purpose of having the products from the West carried down to the Atlantic by this road, not to Quebec merely, but to Halifax, and thence to Europe.⁸² [He] asked what position the several companies to be incorporated would occupy with respect to the benefits to be derived from the lands after the construction of the Western end of the road.⁸³

MR. COM. CR. LANDS CAUCHON said they would all be placed upon a fair basis and given equal rights, and the construction of the rest of the line would be secured by the terms of the Act.⁸⁴

MR. ROBINSON had not the advantage of hearing what was said by gentlemen opposite in regard to this scheme; but so far as he could learn from the remarks of the hon. member for Laprairie, the debate had been carried on pretty much by gentlemen from Lower Canada in favor of the scheme. He could assure them as an Upper Canadian he was quite as anxious to see their scheme carried out as any of the hon. gentlemen from Lower Canada were.⁸⁵ He was not quite so sanguine as the Hon. Commissioner of Crown Lands, as to the result of it⁸⁶, but he trusted that hon. gentleman would find his anticipations realized, and that this would be the most efficacious aid ever given to any railway system in Canada. He thought the hon. gentlemen from Lower Canada were quite right in asking something to be done for their end of the province, and he would like to know from the hon. member for Quebec what better use could be made of the waste lands of the Province — for waste they were and would remain so — than by voting [t]hem for this purpose? By appropriating them in this way two good things were done; — the public lands were opened up, and those parties who got these lands would have to sell them in order to realize a profit by them. They had thus a prospect of the lands being settled. Allusion was often made by gentlemen opposite, to the course pursued on the other side. He hoped they would take a lesson from their neighbours on the other side in the way of granting waste lands. What had there been done with regard to the Sault Ste. Marie canal? While we were talking about it they made it, and it had not cost⁸⁷ the state anything but a grant of land.⁸⁸ [He] would desire to see ... [this system] adopted and extended in this country. There were, according to the report of Major Robinson, some 16,000,000 of acres available on the road to Halifax, — and he would wish to see some of it devoted to the same purpose. He objected to the Government having anything to do with the management of any railway, as it could be conducted much better by private individuals.⁸⁹ He thought it right to say a few words on this question, as it was one of the three great political sins with which they were to be charged before their constituents, viz: the Grand Trunk, the £50,000 for Quebec, and the North Shore Railway.⁹⁰ He hoped the hon. member for

Lambton, who had expressed himself favorably to such a scheme, would give all his exertions to help to carry out this scheme.⁹¹

MR. MERRITT said all the public land was already appropriated, and until £100,000 are realized by it they had no use of it.⁹²

MR. PAPIN was in favor of the grant, but he did not see anything in the act to secure the construction of the line from Pembroke to Quebec.⁹³ [He] wished to know what guarantee they had, that after the Upper Canadian part of the line was completed, the projectors would complete the Lower line, which would be comparatively useless?⁹⁴

MR. COM. CR. LANDS CAUCHON said he held in his hand a clause to be inserted in committee, by which it was provided that no company could participate in this scheme until its whole capital was subscribed and 10 per cent. paid in. He was willing if more stringent provisions were required to omit [sic] them.⁹⁵

MR. PAPIN thought that this was not sufficient — that it did not afford a sufficient guarantee for the construction of the eastern end of the road. He would like to know whether the road between Ottawa and Montreal should pass on the north-east side of the Ottawa or the south-west as proposed by the amalgamation with the Vaudreuil road. He had understood that the Montreal and Bytown road would be brought in.⁹⁶

MR. COM. CR. LANDS CAUCHON said it had been proposed that the Montreal and Bytown road should be carried as far as Grenville; that the Ottawa would be crossed there, and the Vaudreuil, Montreal and Bytown roads unite to build a road hence to Ottawa city.⁹⁷

MR. MARCHILDON then moved that it is [in]expedient to grant to the Government the right to dispose of the lands of the public domain as claimed by the resolutions submitted by [sic] this House, inasmuch as the member[s] of Government have violated, and do violate every day the principles of responsible Government by keeping their seats when they were placed in a minority of six on the motion of Mr. Spence⁹⁸, on the 12th instant⁹⁹; and as they have not the confidence of the House and cannot be expected to consult the best interests of the country, and should not therefore be allowed to have at their disposal so large a portion of the public domain. The hon. gentleman made a few remarks in support of his motion.¹⁰⁰

MR. DRUMMOND, who had just taken his seat, said he did not think the motion could be in order. He did not hear it read, but the hon. gentleman's remarks had been all in connexion with separate schools.¹⁰¹

[Mr. Marchildon's] amendment fell to the ground, without a division.¹⁰²

(643)

The Honorable Mr. *Cauchon* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That this House will immediately resolve itself into a Committee to consider the expediency of setting apart and appropriating a certain portion of the ungranted Lands of the Crown, in order to aid and encourage a Railway from *Pembroke*, on the River *Ottawa*, to Lake *Huron*;

The Honorable *John Sandfield Macdonald* moved in amendment to the Question, seconded by Mr. *Hartman*, That all the words after "That" to the end of the Question be left out, and the words "the adoption of a policy which is to recognize the granting of aid to Private Companies, for the construction of Railway undertakings, by the appropriation of millions of acres of the Public Domain, is of more than doubtful expediency, and more especially in the instance of the present application, which is unaccompanied by any statistical information as to the description

of the land (comprising about eighty square miles) intended to be granted to the North Shore Railroad Company, or by any Survey of the route, estimate of the cost of said Road, or of the probable traffic" inserted instead thereof;

Mr. *Marchildon* moved in amendment to the said proposed Amendment, seconded by Mr. *Scatcherd*, That the words "the adoption of a policy which is to recognize the granting of aid to Private Companies, for the construction of Railway undertakings, by the appropriation of millions of acres of the Public Domain, is of more than doubtful expediency, and more especially in the instance of the present application, which is unaccompanied by any statistical information as to the description of the land (comprising about eighty square miles) intended to be granted to the North Shore Railroad Company, or by any Survey of the route, estimate of the cost of said Road, or of the probable traffic" be left out, and the words "it is inexpedient to give to the Government the right of disposing of the Public Lands as sought by the Motion before the House, inasmuch as the Members of the Government of *Canada* have acted and continue to act in violation of the principles of the Constitution and of Responsible Government, by retaining office after having been defeated upon the Motion of the Honorable Mr. *Spence*, which was lost by a majority of six, on the 12th instant, and do not possess the confidence of the Country to a sufficient degree to allow them to dispose of so considerable an extent of Public Property" inserted instead thereof;

And the Question being put on the Amendment to the proposed Amendment; the House divided: — And it passed in the Negative.

On the hon. J.S. Macdonald's amendment being put,¹⁰³

MR. FERRES did not think that there was any necessity for these resolutions, as the principle of appropriating wild lands to railways was already acknowledged by statute¹⁰⁴, in the case of the road from Quebec to Halifax.¹⁰⁵ If that principle were to be carried out under any circumstances, it certainly ought to be under the circumstances proposed by the Commissioner of Crown Lands. He did not know any part of the country that a railway would benefit more than the Ottawa valley. He thought the location of the Grand Trunk was a mistake from the beginning. It should have gone further into the interior, and if by this appropriation we can get another front to the Province and settle the Valley of the Ottawa no better policy could be pursued. He was disposed to consider these wild lands of no value as long as they remained in the hands of the Government. He apprehended that if they could throw into the country a healthy population, they would be doing greater benefit to Canada than they could ever hope to do by retaining these lands.¹⁰⁶ Looking at it in another point of view — should this country ever come into war with the United States, he did not consider that any of our present high-ways either on land or water were beyond the reach of danger. He did not expect war in his day with the States,¹⁰⁷ but, if there was, he thought it would, above all things, be expedient to have a line like this to remove the troops out of danger. (Oh.)¹⁰⁸ If therefore an English company were disposed to take these wild lands and build a railway for them they ought to get them.¹⁰⁹

MR. BROWN said, he had been charged by the Commissioner of Crown Lands with having, on a former occasion, approved of that scheme. That was not the fact; and in order to show that he had not changed his opinions on this subject, he would read an extract embodying the observations he had made on the occasion alluded to by the hon. Commissioner. The hon. member then read an extract from the speech to which the Commissioner of Crown Lands had referred, which was to the effect that he would support the North Shore project, if he was sure that it passed through a country so valuable as to require and pay for railroad accommodation; but that he would oppose it if he thought the demand for a grant of four millions of acres was only made for the purpose of a petty political end, and with the intention of securing a dozen votes to the Government. Those were his objections to the measure expressed before, and the objections he still held; and he contended that nothing could be more absurd than to hand over 4,000,000 of acres to any corporations — and that without a survey, without an investigation, without an estimate of the cost¹¹⁰. They had no knowledge where this road was to run nor where its terminus

was to be. They had no survey of the ground over which it was to pass. No knowledge of the ground they were giving away, and yet the hon. member for Simcoe gets up and advocates a scheme of this kind without any knowledge whatever of the land that is asked to be given away.¹¹¹

MR. ROBINSON. — I have a knowledge of it.¹¹²

MR. BROWN. — If so, it is more than any of the other members have. And many of them in consequence of this very ignorance were going to vote for the measure, because they were sure it would amount to nothing. This is just the same sort of argument that was made use of when the Grand Trunk proposition was brought up.¹¹³ They were told that the pay would be merely nominal; that they would not have to pay anything, but that the contractors would build it all with their own money. They knew what the result was; and if they assented to the motion of the hon. Commissioner, they would be bound up beyond redemption with this line, as they were with the Grand Trunk.¹¹⁴ Just give this 4,000,000 of acres, and then some English capitalists would enter upon the project, and¹¹⁵ by and by hon. gentlemen would come into the house and say that we had deceived people; that in England their stock had been bought on the faith of a government guarantee; and that the country was pledged. It was in this way that they had been called to vote £3,800,000 currency to the Grand Trunk line, and it would be just the same with the present scheme¹¹⁶: they would be called upon to make further grants in order to sustain the credit of the Province.¹¹⁷ Let the government show the cost of this road before they ask for a grant.¹¹⁸ If the hon. gentleman [Mr. Cauchon] had come forward with any information, — if we had got a survey made of the line, and had some idea where the terminus was to be, and what the value¹¹⁹ of the land — of the timber — of the minerals [was]¹²⁰, and whether it was possible that people could live upon it, and if it was really the rich country the hon. gentleman speaks of, he (Mr. Brown) would join him in considering the propriety of making some appropriation. But at present they knew nothing about it.¹²¹ They all knew that the people of those districts did not want the line. It was the North shore people who wanted it. And why were they not told to what part of Lake Huron it was to go.¹²²

MR. COM. CR. LANDS CAUCHON. — The best part.¹²³

MR. BROWN. — The best part. Oh! That was like General Jackson's judicious tariff which they heard of from the member for Haldimand the other day. (Laughter.) It was a judicious place they were to run to.¹²⁴ But why not tell us where that place is?¹²⁵ He called on the house not to allow themselves to be drawn into this scheme, at least, not without some knowledge of what they were doing. They had heard about the United States, and were told how the Illinois road had raised the price of land to thirty and forty dollars an acre. But if that line had been differently built, and land distributed at \$2, the people there might have been better off than when as now, the land was in the hands of speculators. The hon. member then read over the resolution, and observed on its vague and unsatisfactory wording. He referred also to the observation in favour of the resolution by Mr. Robinson¹²⁶. He did not think that the members of this House, with the experience of the Canada Company before them, should throw another large tract of country into the hands of speculators, for whatever might be said about that Company, they were regarded throughout the whole of the Western part of Canada with feelings of hostility. Large tracts of land were held at £10, £15 and £20 an acre, that had they been left in the hands of the Government, might by this time have been settled with an industrious population.¹²⁷ And ... although he (Mr. Brown) did not share in all the popular feeling against the Canada Company, still he felt there was a just feeling against them on account of their having raised land to such a large price. A greater or more imprudent scheme than that before them, however, he (Mr. Brown) had never heard of. Now, let them see how the lines were to be carried on, or what traffic was to support them. Why, if the road along the South bank of the St. Lawrence did not pay, how could they expect a road by the North Shore to pay. Then, if they carried out the principle of grants, why not grant to roads that would pay, to the North, — to such a country as was at the back of Kingston for instance. (Hear, hear.) The fact was, that this was a scheme

to satisfy Quebec, but he cautioned the house that if they once recognised this principle of railroad grants, they would have every company in the Province coming to them by and bye, and then all those lands which had been reserved for school purposes, would finally be allotted to such schemes as this. There were three schemes before the country just now, by which the Government managed to keep themselves together. They got the support of the Quebec people, by the project of a Parliament at Quebec, — of the North Shore people, by the North Shore Railway, — and of the Grand Trunk members, by the Grand Trunk scheme. This was nothing but bribery of members, and bribery which no member of Upper or Lower Canada would assent to, who had the good of his country at heart. He hoped that the people would show their contempt of such legislation, by calling on the Governor General to dissolve Parliament.¹²⁸

MR. MACKENZIE supported the amendment¹²⁹. [He] said it seemed to him that Lower Canada members had a wonderful grasp, they have got a few more votes than they ought to have, and they make a desperate use of them.¹³⁰ He spoke of the £900,000 grant, made to the Grand Trunk, and then of the money which had been formerly granted to the Welland Canal, the directors of which the House had refused to trust with £30,000 lest it should be wasted, but when Lord Sydenham came they got what they wanted to the amount of several millions. As to this scheme¹³¹, he never saw any thing so disgraceful submitted as to propose to give away as much land as would make an American state. This too by the Commissioner of Crown Lands with the consent of the Government¹³² [when they] knew no more about the road, no more about the company, than the Governor of Bengal.¹³³ What means had they of checking this company. Where was the terminus of this road to be? On Lake Huron say some hon. members. But Lake Huron is something like a thousand miles in circumference. In what part of that circumference was the terminus to be. Let them go on, they would the sooner come to a right understanding. — The poet says good sometimes comes from evil. When all these schemes had run their course Canada would see men rise up with patriotism in their hearts, and influenced by patriotism in all their actions, and not as now, with a set of the meanest of men in office, condescending to every mean artifice to retain their places.¹³⁴ [He] proposed an amendment to grant three and a half millions of acres to make a canal from Caledonia, in the County of Haldimand, to Lake Huron, which he said had as much title to it as the one under discussion.¹³⁵

Mr. J.S. Macdonald's amendment was then put to the vote¹³⁶.

(644)

And the Question being put on the Amendment to the original Question; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Biggar, Brown, Chisholm, Christie, Cook, Darche, Delong, Jean B.E. Dorion, Fergusson, Foley, Frazer, Freeman, Gamble, Hartman, Jackson, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Mattice, Merritt, Munro, Niles, Patrick, Scatcherd, Somerville, Southwick, and Wright.* — (30.)

NAYS.

Messieurs *Alleyn, Bell, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Conger, Crawford, Cryslar, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, McCann, Masson, Mongenais, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Supple, Taché, Thibaudeau, Turcotte, Valois, and Yeilding.* — (62.)

So it passed in the Negative.

MR. J.S. MACDONALD said before putting the main motion he wished to state that the vote now given was a majority of Upper Canada members of 26 to 19 [sic] against the measure.¹³⁷

The hon. gentleman was here interrupted by several Lower Canada members calling out order, order, question, question¹³⁸, [and by] derisive cheers from the Ministerial side.¹³⁹

MR. SICOTTE the SPEAKER said the hon. member for Glengary was perfectly in order, he was speaking to an amendment.¹⁴⁰

MR. J.S. MACDONALD thanked the Speaker for having interfered to give him a hearing.¹⁴¹ The member for Maskinonge having made some remark in interruption, ... [it] reminded him that he [Mr. Turcotte] had formerly sacrificed Lower Canada and been rewarded for his treachery by a Government office.¹⁴² [Mr. Macdonald] repeated his objections to the measure¹⁴³. He rose, he said, with feelings of regret, pain, and mortification at the proceedings now carried on at the expense of the best interests of the country. They found themselves in the position of having their public lands taken from them and appropriated to a company that have not subscribed one dollar, or without even requiring to subscribe a dollar. He felt that this was an outrage upon the House, and if in giving vent to his feelings he might be taking up the time of the hon. members — it was better to do so now than after these lands had been voted away beyond their reach.¹⁴⁴ [He objected] particularly to the lands of Upper Canada being disposed of by Lower Canadian votes. He insisted that this showed the necessity of the double majority system.¹⁴⁵ Every thing affecting the means of this Province, and the money of Upper Canada [sic] is trampled under foot by a majority from Lowe[r] ... Canada. How long this is going to last, hf [sic] would not pretend to say.¹⁴⁶ He complained of the degeneracy of Upper Canada members now, and said¹⁴⁷ if the people of Upper Canada, had the manliness, the patriotism they ought to have, they would tell their Lower Canadian brethren that they would not be sacrificed in this way year after year.¹⁴⁸

[Voices:] Who voted for Quebec?¹⁴⁹

[MR. J.S. MACDONALD replied that] he had only voted for Quebec in preference to an alternating system. He had voted for every place proposed against Quebec. He had voted to remain at Quebec until the permanent seat of Government should be fixed somewhere.¹⁵⁰ But he knew that there were other measures to be brought before the House; and he will give his vote against the appropriation for the Parliament buildings there. He is one of those who feel that this is an outrage on Upper Canada.¹⁵¹ (Applause.) The hon. gentleman made a few other remarks —¹⁵²

MR. SICOTTE the SPEAKER here left the Chair, as it was 6 o'clock.¹⁵³

MR. SICOTTE the SPEAKER took the chair at eight o'clock.¹⁵⁴

MR. J.S. MACDONALD rose to make some remarks in reference to the double majority system. He considered it [h]is duty to do so.¹⁵⁵ [He] compared the conduct of Mr. Baldwin, who had resigned when he was on a solitary occasion in an Upper Canadian minority, with that of the present ministers, who persisted in holding office, despite of defeat after defeat in Upper Canada.¹⁵⁶ He went on to condemn, in strong terms, the conduct of Sir Allan MacNab and other Upper Canadian members including the member for Lambton, who, in this matter, had betrayed the interests of Upper Canada. The member for Lambton had, in voting against the double majority, voted to maintain the present Administration in power. (Cheers and laughter.)¹⁵⁷ [The Government] were following a system of legislation at present, which was distasteful to the great majority of the people of Upper Canada. All the benefits were thrown into the coffers of the Lower Canadians. The Grand Trunk scheme was for their advantage, so was the North Shore, but he appealed to hon. members from that Province to know, if they were in the place of the Upper Canadians, if they would submit to be thus ground down by the iron heel of despotism. The hon. gentleman opposite (Mr. Attorney General Macdonald) had voted in favor of the system of double

majorities, and if that system were carried out, then Upper Canada would be ruled by Upper Canada, and the present system of legislation and coalition would be put an end to.¹⁵⁸

MR. CONGER deprecated the strong language of the hon. member for Glengary, and was quite sure that the hon. members for Upper Canada who voted for this measure would vindicate their conduct just as well as the hon. member for Glengary.¹⁵⁹ The member for Glengary was wrong in arguing as if this was a Lower Canadian question, when the fact was that the road was altogether in Upper Canada, and the land to be granted was in Upper Canada. He contended that the building of this road would be of the greatest benefit to Upper Canada by opening up this large tract of country¹⁶⁰, which would otherwise be valueless.... But the exact line in which it would run could not be fixed upon until after the survey. He (Mr. Conger) would vote for this measure and would see that the grant was properly appropriated. As an indication of the opinion of the people in favor of the Government, he had in his hand a telegraph which intimated that the Receiver-General had at Niagara had a majority of 153 on the first day.¹⁶¹

MR. FELTON rose to a question of order. The motion was in such a shape that it could not be put to the House, as the company to which it was proposed to grant the land, was not in existence.¹⁶²

MR. SICOTTE the SPEAKER decided against the objection, as the motion proposed that "in order that a certain Company should be incorporated," the grant should be made.¹⁶³

The House divided on the motion to go into committee on the resolutions¹⁶⁴.

(644)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bell, Bowes, Bureau, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Sir A.N. MacNab, McCann, Masson, Mongenais, Angus Morrison, Papin, Polette, Poulin, Pouliot, Prévost, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, Valois, and Yeilding.* — (58.)

(644-645)

NAYS.

Messieurs *Brown, Chisholm, Christie, Cook, Darche, Delong, Jean B.E. Dorion, Fergusson, Foley, Frazer, Freeman, Hartman, Jackson, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Niles, Patrick, Scatcherd, Somerville, and Wright.* — (26.)

(645)

So it was resolved in the Affirmative.

The Honorable Mr. Attorney General *Macdonald*, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

The House accordingly resolved itself into the said Committee;

MR. HOLTON hoped they would now have from the finance Minister, some financial explanation of this scheme — of its practicability and the mode of carrying it out; that he would state what would be the length of the road — the cost of it — the expected traffic¹⁶⁵, [the] product of the land to be appropriated, and by what scheme he intended bringing the lands into market.¹⁶⁶ He (Mr. Holton) supposed the Government endorsed the responsibility of this scheme, and would use their influence to get it into the London money market. On these points the House had a right to expect some explanation. They were now points affecting the very marrow of the subject.¹⁶⁷

MR. INSP. GEN. CAYLEY said that it would be impossible for the Government to give the calculations required by the hon. member.¹⁶⁸ The Government was not now called on — as on a former occasion — to lay before the House all the details of the project. They had nothing to do with making out a return of the profits of the road. The project of the Government was to give a certain quantity of land for the construction of a certain portion of the Railway. The company was to construct a line of railway from Pembroke to Lake Huron, and for the construction of every 25 miles of the road, the Government were to allow so much land.¹⁶⁹ This was for the benefit of the country, and the Government were not, as agents of the contractors, to find out whether it would ultimately pay them or not.¹⁷⁰ It was not the duty of the Government to put this matter in any particular light before the public.¹⁷¹ On the occasion he had before alluded to, an hon. gentleman of that House had represented to their friends in England the bright prospects of a certain railway, and when those prospects were recently clouded, hon. gentlemen had seen the disastrous effects of the reaction. The Government had no more to do with the present scheme than he had before stated.¹⁷²

MR. HOLTON. — The Inspector General might think that a becoming way to meet his questions; but he [Mr. Holton] thought that they were bound to explain the position they stood in with regard to this road.¹⁷³ If they were sincere in making this appropriation for the purpose they stated, they were bound to see that the object for which the appropriation was made, was fully carried out — they were bound to bring all their influence to bear in favor of the project, and give it all the aid, they were accustomed to give to any proper scheme. The hon. Inspector General was bound to pledge himself, as the Finance Minister of the country, to the success of a scheme of such great public moment.¹⁷⁴ If not, the granting of such a large amount of the public domain was a delusion and a snare. The Inspector General had said that this was merely a scheme to grant land, and he (Mr. Holton) contended that that was endorsing the whole scheme itself. They were all appealed to ... go into Committee and there to canvass the merits of the scheme, and he (Mr. Holton) had voted for going into Committee on that account.¹⁷⁵ If the Government preferred a discussion at another stage, when the Speaker was in the House, he had no objection.¹⁷⁶

MR. COM. CR. LANDS CAUCHON denied that the Government were bound to give the required explanations¹⁷⁷. The Government had no policy with regard to the carrying out of this scheme, any more than they had with the Great Western or any other railroad.¹⁷⁸ They aided these lines when it became necessary to do so.¹⁷⁹ The hon. member then moved an amendment changing the name of the company, proposed to be incorporated, to that of the "Quebec, Lake Huron, and Ottawa Junction."¹⁸⁰

MR. A. DORION said that this scheme had been forced upon the Government by the members of the Quebec District, whose object was to establish a road from Quebec to Montreal by the North shore of the St. Lawrence; but he defied them to show a single thing in this bill which would bind the Government to make that road.¹⁸¹ The hon. Inspector General had taken exception to the amendment of the member for Glengary, because he (the Commissioner) said this was not the North Shore line, and he was right; for this resolution was only¹⁸² to grant 4,000,000 acres for the construction of a railroad from Pembroke or some other point on the Ottawa, to Lake Huron.¹⁸³ They were told that the plan of the Government was that the land should be portioned out into sections, and according as each 25 miles were built, a proportionate section was to be given to the Company. What then was to prevent the Company from saying, as soon as they had constructed fifty miles, that they would go no farther, but would leave the whole North Shore line unbuilt, as it would not pay.¹⁸⁴ [OR] As soon as they had completed ... [the Pembroke to Lake Huron] line, they would secure the 4,000,000 acres and say — We don't want the Montreal and Quebec line. This was the true effect of the measure. The Government gave away these 4,000,000 acres of land to a scheme which was altogether indefinite.¹⁸⁵ The hon. member then contended that the questions put by Mr. Holton should be answered. He asked if it was proposed to grant this four million acres, continuously on each side of the road¹⁸⁶, or in blocks¹⁸⁷, and if it was, they ought to know

what would be the value of the land for settlement and cultivation.¹⁸⁸ No information whatever was given on these points.¹⁸⁹

MR. COM. CR. LANDS CAUCHON said that more explanations would be given when the Bill was before the House.¹⁹⁰

MR. A. DORION replied that he had the bill, and found that there was no reference to this subject in it.¹⁹¹ He was convinced the government knew nothing about their own proposition, but only wanted to catch votes for the Grand Trunk.¹⁹² [Therefore he] could not vote for the resolutions. It was monstrous to ask the House to vote away 4,000,000 acres for running a railway through a district which would not pay for half a century.¹⁹³ [He] certainly would not vote for the Bill until an explanation was made to see if this Railroad were possible at all or not. He thought it would be much better to have a canal from Ottawa to Lake Huron, which would pay much better than a railroad.¹⁹⁴

MR. HOLTON would like information on one other point. How was it intended to deal with the timber duties along the line? Was it intended to modify these laws, or release the lands from the operation of timber duties altogether?¹⁹⁵

MR. COM. CR. LANDS CAUCHON did not understand the hon. gentleman very well. He would say, however, that there were 62 millions of acres of land for settlement and it is only proposed to take four millions.¹⁹⁶

MR. BROWN. — A very important question has been raised by the hon. member for Montreal. Are we to understand that from the point on Lake Huron to Pembroke or Arnprior the distance is 160 miles.¹⁹⁷

MR. COM. CR. LANDS CAUCHON. — The distance from Lake Huron to Pembroke is 160 miles, but if we take the road to Arnprior it will be more. That will lengthen the road about 60 miles more; but if run in a straight line it will be much shorter.¹⁹⁸

MR. BROWN. — Am I to understand that the distance you intend to go through this wild country is one hundred and sixty miles.¹⁹⁹

MR. COM. CR. LANDS CAUCHON. — Yes.²⁰⁰

MR. BROWN. — Well you propose to give four millions of acres to construct 160 miles of railway, which is 25,000 acres of land for every mile of road.²⁰¹ Now the Commissioner of Public Lands said that it was splendid land; but that could not be common sense. Either the land is worth something and in that case 25,000 acres for every mile of the road is outrageous, or it is worth nothing and the Commissioner ought to say so at once.²⁰²

MR. TURCOTTE said the land was to be applied to the whole road from Lake Huron to Quebec.²⁰³

MR. BROWN. — Their scheme is that they will give 25,000 acres of land for every mile of road constructed from Pembroke to Lake Huron. The Government say distinctly that the road is only to be one hundred and sixty miles long.²⁰⁴ [He] wished then that the government would explain whether this land was good or bad, and whether it was intended that 4,000,000 of acres should be taken from the West for the entire benefit of the East.²⁰⁵

MR. BELLINGHAM said it was perfectly useless to commence building a road from Arnprior to Lake Huron. They never had the slightest idea of building a road from Arnprior to Lake Huron, but from Quebec to Lake Huron.²⁰⁶ As yet the country North of the Ottawa had received no Government

aid for railroad purposes, and he was now disappointed to find that the project before the House was for a road from Pembroke to Lake Huron. Some of the land in the neighbourhood of Arnprior was dearer than that near Quebec or Montreal.²⁰⁷ That part of the land was worth £10 per acre; the Company would not expect to get that. But he expected that some portion of the land would be applied to aid the road east of the St. Lawrence.²⁰⁸ He denied that the land on the North Shore had not been examined, and proceeded to show the practicability of making a road through that district. He hoped the Commissioner of Crown Lands would alter his bill, so that he could support it.²⁰⁹ If they build a road at all it should be from Quebec, and should be all under one bill. If they want to make a national work, they must start from Quebec. He wanted to know whether this land was to be given for the whole road — because if not it was a perfect mockery — a delusion. What we wanted was a road from Quebec to Montreal, and in consequence of that demand by some Lower Canada members, himself among the number, that bill was introduced. This bill would not have been introduced at all but for the political influences brought to bear by himself and three other members upon the Government, and he could assure the House that they never contemplated a road from Arnprior to Lake Huron.²¹⁰

MR. COM. CR. LANDS CAUCHON made some rumbling sort of remarks in regard to the utter worthlessness of the land if the road is not made²¹¹. [He] said that if 530 miles of road ultimately be made, 330 would be in Upper Canada, and condented [sic] that ultimately the grant would enable a railroad to be made which would greatly benefit the whole of the country through which it would pass.²¹² [He] concluded by assuring those interested in the North Shore Railroad that if they objected to the plan now proposed they would defeat the object they had in view.²¹³

MR. BELLINGHAM said he could not gather any answer to his question from the remarks of the Commissioner of Crown Lands. He wanted a bill to give them a road from Quebec to Lake Huron. Will the Commissioner of Crown Lands say that the road from Quebec to Montreal will get a share of that 4,000,000 acres.²¹⁴

MR. AT. GEN. J.A. MACDONALD was surprised at the course pursued by the Opposition. The hon. member for Glengary says this scheme is a robbery of Upper Canada, and he calls upon Upper Canada to rise in its might and put down such an Administration. The hon. member for Argenteuil starts up and says the measure will be of no use at all to Lower Canada. If both these gentlemen are correct then nobody wants the scheme at all.²¹⁵ The hon. gentleman entered into a computation to show that the land granted was comparatively worthless, and would be made most valuable by the projected railroad²¹⁶. The 25,000 acres a mile that they have heard so much about, are not worth, at present, 25,000 pence. Supposing it were surveyed and laid out for settlers it could not average more than a dollar an acre; the average value of land in the eastern part of the Province, east of Cobourg, is only 6s. 3d. an acre. It was well known that until a road of some kind was made [the] land was of little value. He thought the scheme would commend itself to the good sense of the country. The hon. member for Lambton says there are no surveys. Well, there are no surveys; but there have been extensive explorations, and it is found that this land from Lake Superior eastward, is heavily timbered, and therefore good land, well-watered, and with a climate every way fitted for settlement. While they knew that, they did not know, it is true, what every square mile contained, and the question is whether this country would sanction laying out a large sum of money to open out and survey this land for future settlement, or get other individuals to do so without the cost of a farthing to the Province. Mr. Russell, who has considerable experience, states that to survey that tract of land would cost £125,000. The Government are not prepared to spend so large an amount of money for this purpose. He did not think the country generally would sanction such an expenditure. The best way to open the country is by railways, and as this land is heavily timbered, well-watered, and having a genial climate it is the duty of the Government to open it up if they can get a company to do so.²¹⁷ They should try to get foreign capital into the land, which it was proposed to open

up, and the best way to increase the wealth of the country, was by encouraging emigration, which would be done by the formation of the railroad. He contended that this scheme would be received most favorably in the English market, and that the moment this railroad was formed, the land through which it would pass would rise to the value of a pound an acre, whilst now it was worth absolutely nothing.²¹⁸ If there was a railway from Lake Huron to Ottawa — suppose it went no farther, it would be a great triumph for this country²¹⁹. There could be no better appropriation of the land of this country than by granting it for the purposes of railroad enterprise, and for such enterprise it was necessary to go into the English market, which the grant itself would assist the Company in doing. He had no doubt, too, that municipal aid could be obtained²²⁰. There are already four companies in existence. These companies have all got certain rights of which they cannot be deprived. But as they all labor under the disadvantage of being local improvements, the object is to amalgamate all the companies and give them the appropriation of land, to build the road from Arnprior to Lake Huron. If they can go into the English market with such a proposition, combining general interests and local interest as well, they would have one of the most magnificent schemes ever conceived²²¹ in Canada, and that too without any public expense. By it a great line from Quebec to Lake Huron would be ultimately made, and that over land, which, as it lay, was of no more value than that at the North Pole.²²² If an English company would take up this road he would be very happy if they could get £5 an acre for the land appropriated to them, the more profitable it is the better. They could not have a more reasonable scheme and he was astonished that hon. gentlemen should oppose it.²²³ The House should decide upon the principle of the grant, and the interest of the Province could be afterwards protected in the bill.²²⁴

MR. BROWN paid a tribute to the “puffing” qualities of the hon. gentleman, and was struck by the strange coincidence of the hon. gentleman’s language to that of Mr. Hincks, in introducing the Grand Trunk Scheme. He deprecated the attempt to bring a quantity of land, represented as valueless into the English market, the end of which would be that they would, as in the case of the Grand Trunk, be told that they had swindled the English people, and be called upon for an indemnity of some kind. He contended that the House ought not to vote away 4,000,000 of acres on such slender information as that before them.²²⁵

MR. AT. GEN. J.A. MACDONALD said that if the resolution was now passed it would afterwards go to the Railway Committee, which would arrange the manner in which the land would be apportioned in blocks to the railroad.²²⁶

MR. RANKIN was favourable to the Bill, but wished distinctly to know if this grant was to be applied to the construction of a road from Lake Huron to Quebec, or of the 160 miles from Pembroke to Lake Huron.²²⁷

MR. AT. GEN. J.A. MACDONALD explained that the Pembroke and Huron road would get a proportion of the 4,000,000 [acres].²²⁸

MR. BROWN was greatly struck by the variety of the hon. gentleman’s explanations. First he said, it would all be arranged by a railway Committee, and then he made a new explanation that 25,000 acres were to be given for the road from Pembroke to Lake Huron, but then afterwards the Quebec and Huron line was to get part of the land after they had succeeded in raising money in England. It was not explained how the survey of this land was to be ... kept in the hands of the government.²²⁹ The Attorney General had stated that a survey of this land would cost something like £125,000. He would like to know whether the Government intended to make this survey.²³⁰

MR. COM. CR. LANDS CAUCHON said, undoubtedly the government would have the supervision of the survey. It was a question yet to be decided who should pay the expense of the survey.²³¹

MR. BROWN said that the members of the government seemed to know nothing about the details of the scheme. He wanted to know in the line of 160 miles, if any minerals were found, would the government have any control over them.²³²

MR. AT. GEN. J.A. MACDONALD read a long extract from a report to show the estimated cost of survey.²³³

MR. BROWN again called on the House not to grant the land, before a survey was made and they would know something about it.²³⁴ [He] said the value of the grant would be about £8,000,000, and the whole cost of the road £1,280,000. The timber limits now produce £50,000 per annum.²³⁵ In calculating the value of the land, the hon. gentleman had forgotten to state how many miles on each side of the road this scheme would give.²³⁶

MR. COM. CR. LANDS CAUCHON. — About nine miles on each side.²³⁷

MR. FELTON said it would be 40 miles on each side²³⁸ [OR] in alternate squares.²³⁹

MR. BROWN called attention to the ignorance of the hon. Commissioner on this as well as on every other point connected with the scheme. The survey of this 4,000,000 of acres would cost £400,000 and where were they to get that before they went to England with this scheme into the market? Suppose now such a grant as this was made to the Great Western Railway, it would swallow up every acre from this to Kingston. Mr. Brown after some further observations, called on the House to reject ... the scheme.²⁴⁰

MR. PATRICK said he had come into the House greatly prejudiced against this scheme, but he had changed his mind since he came into it. He would propose an amendment, which, if assented to would enable him to vote in favour of the resolution.²⁴¹ Being in favor of giving a million of acres of these Crown Lands to the Bytown railway, [he] would move in amendment to the resolution, to add thereto, in the second line, after the word "Huron," — "from the city of Ottawa to the town of Prescott," and to add to the eleventh line, after the word "railway," — "that portion of the four millions of acres equal to the length of the line, be added to the Ottawa and Prescott railway, for the purpose of carrying out the objects of the charter."²⁴² (Hear and laughter.)²⁴³

MR. AT. GEN. CARTIER rose to a question of order. This motion was out of order, inasmuch as it proposed a greater appropriation of the public lands than had been made by His Excellency.²⁴⁴

MR. COM. CR. LANDS CAUCHON objected that the amendment was not in order.²⁴⁵

MR. BROWN said the hon. Commissioner of Crown Lands told him (Mr. Brown) that he hoped the appropriation would be increased to 10,000,000 of acres.²⁴⁶

MR. BELLINGHAM said that if the 4,000,000 acres were granted over the whole line from Quebec to Lake Huron, he would engage to save the government the cost of survey.²⁴⁷

MR. TURCOTTE would move in amendment, in view of the original resolution — Resolved, That it is expedient to set apart _____ million[s] of acres of the ungranted Crown Lands lying between the upper valley of the Ottawa and Lake Huron, to be divided equally between the North Shore, Montreal and Bytown, and Brockville and Ottawa Railroads, with a view to secure the opening of the whole line of railway from Quebec to Lake Huron, on the North Shore of the St. Lawrence.²⁴⁸

MR. SOL. GEN. H. SMITH said that this was not different from the original motion.²⁴⁹

MR. FELTON hoped that if it was not, the hon. Solicitor General would support the amendment.²⁵⁰

MR. TURCOTTE explained that there was a difference. The original resolution was for aid towards the incorporation of a railroad from Pembroke [sic] to Lake Huron, and gave no guarantee for the future prosecution of the line to Quebec.²⁵¹

This amendment was supported by MR. EVANTUREL, and objected to by MESSRS. LORANGER, FERRES, and CHABOT.²⁵²

Some hon. members objected to the principle of granting away the public domain, involved in this bill.²⁵³

MR. FERRES said that the practice was not unprecedented. By the 24th Victoria, chap. 29, a line from Halifax to Quebec was authorized to get ten miles on each side of the road, and £20,000 sterling interest. And by another act 1,000,000 of acres was appropriated for the line from Trois Pistoles to the Eastern part of the Province. If any company could be induced to take up this scheme, on the proposed terms, it would, he considered, be the best bargain ever made by the Province.²⁵⁴

MR. DRUMMOND was decide[d]ly in favour of devoting the public lands of the Province, as far as it could be done, to constructing public works, as the object of such works should be to open up the resources of the country to the greatest extent.²⁵⁵ When the Grand Trunk line was proposed his opinion was that it should be constructed in the most direct line between the Sea Board and the Lakes — because he considered that when the revenues of the country were to be employed in a main line of that extent, they should leave it to the enterprise of private companies, to run their side lines down to the cities with their own money. Therefore, he had never been opposed to projects of this kind. But he looked upon this as a project which would require a mind matured by experience in railway matters, a mind of more grasp — the mind of a man who had a thorough knowledge of the whole country from one end to the other, to bring down such a project to this House, and to expose the character of our lands and the prospects which might be realised by the completion of this project. When he was in the Government he was one of the first to give his assent to a great national project of this kind, although he had always opposed the idea of giving the guarantee of the Province. He looked upon this project, thrown out as it was in this inchoate form, as a great national project, and²⁵⁶ he was prepared to assent to any project which would make it known to this country, to England, and to the whole world, that we are prepared to devote a large portion of our public lands to open up the country. Therefore in whatever shape it might be finally worked or wormed through this House, he would give it his support, in the hope that it might be carried through by more able hands hereafter. He would like to know why the resolutions agreed to while he was in the Government, had been abandoned [sic] — the resolutions which proposed to give those lands to the joint companies only after they had given a sufficient pledge to carry out the whole line. He should like to know why or wherefore those resolutions had been abandoned, and others substituted, which he was sorry to say he could not understand in French, although he could in English; for the translator had been more happy than the company. (Laughter.) Was there any *arrière pensée* in that? Was it to secure a larger number of votes from Upper Canada, that the change took place?²⁵⁷ It might be so. He cared not if hon. gentlemen would only let the House know what they intend to do. He thought that when a man came down before this House and before this country with such a proposition — a man occupying a high and responsible position, he ought to know what he means to do, and not rely upon this House to put their propositions into shape. He wanted the Government to govern from within and not from without. He wanted them to come down with some practical project that might be laid hold of — that might be carried out — and every feature of which would be distinctly [sic] and intelligible. It was in no spirit of opposition to the measure that he made these remarks, for in whatever way it came in he would vote for it; but he wished to place this project in such a position as not to detract from the high character of the Government in Canada. If this road is to be completed he did not wish to take all the lands from Upper Canada. Had they no lands in Lower Canada, every body knows the position ... a member of

Government occupies; he must sacrifice to the wishes of his many associates things he knows to be good. He was quite willing to give his assent to this resolution although he had urged that to secure the completion of a line of road from Pembroke to Quebec, a million and a quarter of acres of land should be taken from the great territory of St. Maurice, which he thought superior to many portions of the land in Upper Canada. He had no right to propose an appropriation. He knew his duty too well to attempt any such thing of the kind; but he would merely throw it out as a hint to those hon. gentlemen. It is not too late for them to take the hint, and if they do so, they will be enabled to carry through their measure more successfully. If this was done a portion of the land will be taken over this road from Lake Huron to Pembroke, and for the completion of the other portion of the road one and a half million of acres might be taken from the valley of the St. Maurice. By so doing²⁵⁸ they would render the scheme more palatable to the people of this country, and to capitalists in England²⁵⁹, [and] would at once secure the completion of the whole road. He therefore threw out the hint in a spirit of friendship, for he was pledged to support them in this measure even in the most inchoate form in which it can be proposed. He looked upon this project as one of great national interest, and he regretted that it should be conducted through this House with so little knowledge. He found that these resolutions had been changed — and changed for what purpose he could not apprehend, unless to render them less intelligible. He found that the lands could only be taken adjacent to the railway, but knowing something of this country he could tell the House that some of these lands were not worth a cent, and if they wish to give such lands as will secure the completion of the railroad they must allow a broader range. The summit level of that country through which this line is to pass is 1,100 feet above the level of the river, and though he did not believe that that formed an impediment, because they could wind their road through the narrow valley between the high mountains which intervened, yet the land adjacent to the line in such places would not be of very much value. Then the company shall have full power to alienate the land so granted; but it seems that after that power had been given the Government had changed their minds, for it is immediately stated that the price of the land must be regulated by Government. Two such contradictory principles should not have been [proposed] at the same time. The success of this undertaking will depend in a great measure upon the manner in which the companies will be allowed to dispose of those lands. He was not of opinion that they should have full control over those lands that they might keep them for any length of time unoccupied that they might realize a high price for them, but at the same time he would not hold over them the sword of Damocles, which might become their destruction at any moment. If an upset price were mentioned he could understand that; but to say that the government should control a commercial corporation and compel them to sell these lands at whatever price they please, would at once throw a barrier in the way of the construction of this road. The hon. gentleman urged his suggestion that a portion of the land of the valley of St. Maurice should be devoted to the construction of the line between Bytown and Quebec, and concluded by stating that he would much have preferred that a survey had been made in order to make their plans a little more practical and a little more intelligible to the capitalists of England.²⁶⁰

MR. AT. GEN. J.A. MACDONALD made an explanation, to show that the member for Shefford had agreed to the new resolutions, because while in the Government he had agreed to the Bill, containing a clause substantially the same.²⁶¹

MR. DRUMMOND replied that at the time the scheme was brought before the house by the government, he most distinctly stated²⁶² that the grant of land was a Government matter, but that the Bill was a private measure, to the details of which the Government did not pledge themselves.²⁶³

MR. AT. GEN. J.A. MACDONALD said that if the hon. member for Shefford looked into the bill as it now stood, he would find that there was no difference between it and the resolution.²⁶⁴ The Government proposal was a just and reasonable one.²⁶⁵ The resolution proposed the granting of a certain number of acres of land for the construction of a railway from Arnprior to Lake Huron — the company

to have full control of the land they received on the construction of each twenty five miles of the line²⁶⁶ either West of Pembroke or East of Lake Huron²⁶⁷. And if they were not deceived as to the value of the 4,000,000 acres, it could not be considered an enormous grant, but would he thought, be sufficient to induce the Company to build the road to Quebec.²⁶⁸

MR. COM. CR. LANDS CAUCHON explained that he had no hand in preparing the French copy of the resolutions. They were written in English by Mr. Wickstead, and translated into French by the French translators of the House.²⁶⁹

DR. POULIN moved the adjournment of the house.²⁷⁰

The amendments of Mr. Turcotte and Mr. Patrick were then put and lost.²⁷¹

MR. PATRICK then moved another amendment — "That none of the lands lying in Upper Canada be applied for the construction of Lower Canada roads."²⁷²

The amendment was put and lost.²⁷³

MR. LORANGER said, he could not find in the resolutions anything to indicate that any portion of the lands to be granted could apply to the line between Bytown and Quebec. He wanted this stated in plain words.²⁷⁴ By the bill before the House, it was not at all necessary that the North Shore railroad, or the Bytown and Montreal, or Brockville and Ottawa lines should form part of the said company. If any of these companies refused to take preferential stock in the new line, any other companies or persons might take the stock. He had no doubt but that the object of the measure was to make a reasonable distribution of the proceeds of the appropriated lands, to the whole line. But the Government should have been more definite in the matter.²⁷⁵

MR. COM. CR. LANDS CAUCHON said that the object of the Government was to give the proceeds of the appropriated lands to these companies, in order to construct the line from Pembroke to Lake Huron. It was impossible for the Government to be more definite, and if the hon. gentleman did not like the bill, he might vote against it.²⁷⁶

MR. LORANGER did not want to vote against the bill. But in order to secure the grant to the whole line, he would move in amendment, That in order to grant an aid to the construction of a railway from Lake Huron to Quebec, passing by Pembroke, or such part most convenient, on the River Ottawa, passing Ottawa, and continuing down to Quebec, on the North Shore of the St. Lawrence, passing by Montreal, it is expedient to set apart 4,000,000 acres in the territory from Pembroke to Lake Huron, to be distributed in proportion to the length of the line; and that the said land should be gratuitously given to the company to be incorporated for the construction of the said line.²⁷⁷

MR. AT. GEN. J.A. MACDONALD said that the motion was out of order, as it recommended an appropriation of land, in excess of the quantity which His Excellency had consented to set apart. These lands had been alienated by the Crown for a certain purpose; but after the appropriation is voted the House could attach to the parties holding the lands such conditions as were thought necessary.²⁷⁸

After some discussion as to whether it was in order or not,²⁷⁹ Mr. Loranger's amendment was put and lost, on a division²⁸⁰.

The original resolution passed on a division.²⁸¹

The committee then rose and reported the adoption of the resolution.²⁸²

(645) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Alleyn* reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

On motion of the Honorable Mr. Attorney General *Macdonald*, seconded by the Honorable Mr. *Lemieux*,

Ordered, That the Orders of the day be now read.

The House resumed the further consideration of the Amendment which was, yesterday, proposed to be made to the Question, That the Bill (to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*) be now read a second time; and which Amendment was, That the word "now" be left out, and the words "this day six months" added at the end thereof.

MR. AT. GEN. J.A. MACDONALD moved that the bill ... be read a second time *pro forma*.²⁸³

The motion was opposed, and finally dropped.²⁸⁴

An amendment to adjourn was moved and carried.²⁸⁵

(645) On motion of Mr. *Mackenzie*, seconded by Mr. *Antoine Aimé Dorion*,
The House adjourned.²⁸⁶

Appendix

[POSTPONED MOTION FOR AN ADDRESS RE: THE AUDITOR OF PUBLIC ACCOUNTS.]

CAPT. RHODES moved an Address to His Excellency for a copy of all correspondence relative to the charge made by the Commissioner of Crown Lands, in his place in Parliament, against the Auditor of Public Accounts.²⁸⁷

MR. COM. CR. LANDS CAUCHON did not object to the papers being brought down; but objected to the motion being taken out of its order to-day.²⁸⁸

After some discussion, the motion was postponed till to-morrow.²⁸⁹

Footnotes

1. *Globe*, 18 June 1856. According to *Le Pays*, 15 May 1856, and *Morning Chronicle*, 19 May 1856, the notices of motion for Mr. Cauchon's resolution and the additional clause in the Bill were given in mid-May 1856.

Globe, 18 June 1856, specifies that this resolution "was substituted for the following, which was originally introduced by Mr. Cauchon: —

"That it is expedient to set apart _____ millions of acres of the ungranted Crown Lands in the tract lying between the Upper Ottawa and Lake Huron as an aid to a Company to be incorporated to construct a Railway from some point

on the said river between Armprior [sic] and Pembroke and the waters of the said lake, giving the stockholders of the several Railways between the Upper Ottawa and Quebec a preferable right to take the stock of the Company so to be incorporated, if they think proper, and making such aid conditional upon the subscription of the whole stock required for the construction of the said railways from the Upper Ottawa to Quebec, and the expenditure of a certain per centage thereof on the said railways, or the deposit for the same for the purpose of being so expended; so as to ensure the completion of the line from Quebec to Lake Huron.' "

2. *Toronto Daily Leader*, 18 June 1856.
3. *Morning Chronicle*, 21 June 1856.
4. *Globe*, 18 June 1856.
5. *Morning Chronicle*, 21 June 1856.
6. *Ibid.*
7. *Globe*, 18 June 1856.
8. *Morning Chronicle*, 21 June 1856.
9. *Toronto Daily Leader*, 18 June 1856.
10. *Morning Chronicle*, 21 June 1856.
11. *Toronto Daily Leader*, 18 June 1856.
12. *Globe*, 18 June 1856. *Morning Chronicle*, 21 June 1856, reports that Mr. Cauchon "quoted from the reports of Mr. Keefer and others on the subject of this Railway."
13. *Morning Chronicle*, 21 June 1856.
14. *Globe*, 18 June 1856.
15. *Toronto Daily Leader*, 18 June 1856.
16. *Toronto Daily Leader*, 18 June 1856. The ellipses represent illegible words.
17. *Globe*, 18 June 1856.
18. *Toronto Daily Leader*, 18 June 1856.
19. *Globe*, 18 June 1856.
20. *Morning Chronicle*, 21 June 1856.
21. *Globe*, 18 June 1856.
22. *Morning Chronicle*, 21 June 1856.
23. *Toronto Daily Leader*, 18 June 1856.
24. *Morning Chronicle*, 21 June 1856.
25. *Globe*, 18 June 1856.
26. *Ibid.*
27. *Morning Chronicle*, 21 June 1856.
28. *Globe*, 18 June 1856.
29. *Morning Chronicle*, 21 June 1856.
30. *Globe*, 18 June 1856.
31. *Morning Chronicle*, 21 June 1856.
32. *Globe*, 18 June 1856.
33. *Morning Chronicle*, 21 June 1856.
34. *Globe*, 18 June 1856.
35. *Toronto Daily Leader*, 18 June 1856.
36. *Globe*, 18 June 1856.
37. *Morning Chronicle*, 21 June 1856.
38. *Globe*, 18 June 1856.
39. *Toronto Daily Leader*, 18 June 1856.
40. *Morning Chronicle*, 21 June 1856.
41. *Toronto Daily Leader*, 18 June 1856.
42. *Morning Chronicle*, 21 June 1856.
43. *Toronto Daily Leader*, 18 June 1856.
44. *Ibid.*
45. *Ibid.*
46. *Globe*, 18 June 1856.
47. *Toronto Daily Leader*, 18 June 1856.
48. *Ibid.*
49. *Globe*, 18 June 1856.
50. *Ibid.*

51. *Toronto Daily Leader*, 18 June 1856.
52. *Globe*, 18 June 1856.
53. *Toronto Daily Leader*, 18 June 1856.
54. *Globe*, 18 June 1856.
55. *Toronto Daily Leader*, 18 June 1856.
56. *Globe*, 18 June 1856.
57. *Toronto Daily Leader*, 18 June 1856.
58. *Globe*, 18 June 1856.
59. *Toronto Daily Leader*, 18 June 1856.
60. *Morning Chronicle*, 21 June 1856.
61. *Toronto Daily Leader*, 18 June 1856.
62. *Morning Chronicle*, 21 June 1856.
63. *Globe*, 18 June 1856.
64. *Morning Chronicle*, 21 June 1856.
65. *Globe*, 18 June 1856.
66. *Toronto Daily Leader*, 18 June 1856.
67. *Globe*, 18 June 1856.
68. *Morning Chronicle*, 21 June 1856.
69. *Toronto Daily Leader*, 18 June 1856.
70. *Ibid.*
71. *Globe*, 18 June 1856.
72. *Ibid.*
73. *Toronto Daily Leader*, 18 June 1856.
74. *Morning Chronicle*, 21 June 1856.
75. *Toronto Daily Leader*, 18 June 1856.
76. *Globe*, 18 June 1856.
77. *Toronto Daily Leader*, 18 June 1856.
78. *Morning Chronicle*, 21 June 1856.
79. *Toronto Daily Leader*, 18 June 1856.
80. *Morning Chronicle*, 21 June 1856.
81. *Toronto Daily Leader*, 18 June 1856.
82. *Morning Chronicle*, 21 June 1856.
83. *Toronto Daily Leader*, 18 June 1856.
84. *Ibid.*
85. *Ibid.*
86. *Globe*, 18 June 1856.
87. *Toronto Daily Leader*, 18 June 1856.
88. *Morning Chronicle*, 21 June 1856.
89. *Globe*, 18 June 1856.
90. *Morning Chronicle*, 21 June 1856.
91. *Toronto Daily Leader*, 18 June 1856.
92. *Ibid.*
93. *Ibid.*
94. *Globe*, 18 June 1856.
95. *Toronto Daily Leader*, 18 June 1856.
96. *Ibid.*
97. *Ibid.*
98. *Ibid.*
99. *Globe*, 18 June 1856.
100. *Toronto Daily Leader*, 18 June 1856.
101. *Ibid.*
102. *Globe*, 18 June 1856.
103. *Ibid.*
104. *Ibid.*
105. *Morning Chronicle*, 21 June 1856.

106. *Toronto Daily Leader*, 18 June 1856. *Morning Chronicle*, 21 June 1856, reports a statement which differs significantly from that source: "In this case the articles that would be brought in by the railway would be of more value to the country than the amount that would be received there for land by the acre." The statement reported in *Globe*, 18 June 1856, is similar to that in the *Toronto Daily Leader*, as follows: "The amount of property which the railway would realize would depend on the number of settlers which they would throw into them, and this would be of more advantage to the country than the small amount that might be realized by selling those lands."
107. *Toronto Daily Leader*, 18 June 1856.
108. *Globe*, 18 June 1856.
109. *Toronto Daily Leader*, 18 June 1856.
110. *Globe*, 18 June 1856.
111. *Toronto Daily Leader*, 18 June 1856.
112. *Ibid.*
113. *Ibid.*
114. *Globe*, 18 June 1856.
115. *Toronto Daily Leader*, 18 June 1856.
116. *Globe*, 18 June 1856.
117. *Toronto Daily Leader*, 18 June 1856.
118. *Globe*, 18 June 1856.
119. *Toronto Daily Leader*, 18 June 1856.
120. *Globe*, 18 June 1856.
121. *Toronto Daily Leader*, 18 June 1856.
122. *Globe*, 18 June 1856.
123. *Globe*, 18 June 1856. *Toronto Daily Leader*, 18 June 1856, reports that "several members" replied to Mr. Brown that the terminus would be "in the best place on Lake Huron."
124. *Globe*, 18 June 1856.
125. *Toronto Daily Leader*, 18 June 1856.
126. *Globe*, 18 June 1856.
127. *Toronto Daily Leader*, 18 June 1856.
128. *Globe*, 18 June 1856.
129. *Globe*, 19 June 1856. This newspaper adds that Mr. Mackenzie's speech was "of the desultory character by which his addresses are so marked."
130. *Toronto Daily Leader*, 18 June 1856.
131. *Globe*, 19 June 1856.
132. *Toronto Daily Leader*, 18 June 1856.
133. *Globe*, 19 June 1856.
134. *Toronto Daily Leader*, 18 June 1856.
135. *Hamilton Spectator Semi-Weekly*, 21 June 1856. *Globe*, 19 June 1856, reports the following information regarding Mr. Mackenzie's speech: "The hon. gentleman's speech was received with great impatience and repeated interruptions, by the House, produced by every kind of noise, and after having reproached the Attorney General East with his former delinquencies and changes, and the member for Nicolet for punching him in the back and committing many other faults, and reproached the House generally for its disorderly character, the hon. gentleman sat down." These additional remarks are not reported in the other accounts.
136. *Morning Chronicle*, 21 June 1856.
137. *Toronto Daily Leader*, 18 June 1856. Several newspapers report this statement, but give erroneous figures regarding the Upper Canada vote. *Globe*, 19 June 1856, reports that Mr. J.S. Macdonald referred to an Upper Canada majority of 36 to 19; *Morning Chronicle*, 21 June 1856, of 28 to 19; and *Hamilton Spectator Semi-Weekly*, 21 June 1856, of 26 to 19, as in the *Toronto Daily Leader*. The actual Upper Canada majority was 26 to 20.
138. *Toronto Daily Leader*, 18 June 1856.
139. *Globe*, 19 June 1856.
140. *Toronto Daily Leader*, 18 June 1856.
141. *Toronto Daily Leader*, 18 June 1856. The reader will note that the reconstruction of Mr. J.S. Macdonald's speech is arbitrary, as the information given in the various sources does not enable us to decipher the logical sequence of statements.
142. *Globe*, 19 June 1856.
143. *Hamilton Spectator Semi-Weekly*, 21 June 1856.
144. *Toronto Daily Leader*, 18 June 1856.
145. *Hamilton Spectator Semi-Weekly*, 21 June 1856.

146. *Morning Chronicle*, 21 June 1856.
147. *Globe*, 19 June 1856.
148. *Morning Chronicle*, 21 June 1856.
149. *Ibid.*
150. *Globe*, 19 June 1856.
151. *Morning Chronicle*, 21 June 1856.
152. *Globe*, 19 June 1856. This newspaper explains that Mr. J.S. Macdonald continued his remarks, "which, from the impatient interruptions of the House, were scarcely audible, until the Speaker left the chair, and the rush of members to the lobbies broke off the speech evidently before it was concluded."
153. *Toronto Daily Leader*, 18 June 1856.
154. *Ibid.*
155. *Ibid.*
156. *Globe*, 19 June 1856. According to *Morning Chronicle*, 21 June 1856, Mr. J.S. Macdonald, "after some further remarks with respect to the propriety of maintaining the double majority, ... [entered into] a defence of his own course on the resignation of Mr. Baldwin on the Chancery question".
157. *Morning Chronicle*, 21 June 1856.
158. *Globe*, 19 June 1856.
159. *Ibid.*
160. *Morning Chronicle*, 21 June 1856.
161. *Globe*, 19 June 1856.
162. *Ibid.*
163. *Ibid.*
164. *Toronto Daily Leader*, 18 June 1856.
165. *Globe*, 19 June 1856.
166. *Toronto Daily Leader*, 18 June 1856.
167. *Globe*, 19 June 1856.
168. *Ibid.*
169. *Toronto Daily Leader*, 18 June 1856.
170. *Globe*, 19 June 1856.
171. *Morning Chronicle*, 21 June 1856.
172. *Toronto Daily Leader*, 18 June 1856.
173. *Morning Chronicle*, 21 June 1856.
174. *Toronto Daily Leader*, 18 June 1856.
175. *Globe*, 19 June 1856.
176. *Toronto Daily Leader*, 18 June 1856.
177. *Globe*, 19 June 1856.
178. *Morning Chronicle*, 21 June 1856.
179. *Toronto Daily Leader*, 18 June 1856.
180. *Globe*, 19 June 1856.
181. *Morning Chronicle*, 21 June 1856.
182. *Globe*, 19 June 1856.
183. *Toronto Daily Leader*, 18 June 1856.
184. *Globe*, 19 June 1856.
185. *Toronto Daily Leader*, 18 June 1856.
186. *Globe*, 19 June 1856.
187. *Morning Chronicle*, 21 June 1856.
188. *Globe*, 19 June 1856.
189. *Toronto Daily Leader*, 18 June 1856.
190. *Globe*, 19 June 1856.
191. *Morning Chronicle*, 21 June 1856.
192. *Hamilton Spectator Semi-Weekly*, 21 June 1856.
193. *Toronto Daily Leader*, 18 June 1856.
194. *Globe*, 19 June 1856.
195. *Toronto Daily Leader*, 19 June 1856.
196. *Ibid.*
197. *Ibid.*

198. *Toronto Daily Leader*, 19 June 1856.
199. *Ibid.*
200. *Ibid.*
201. *Ibid.*
202. *Morning Chronicle*, 21 June 1856.
203. *Ibid.*
204. *Toronto Daily Leader*, 19 June 1856.
205. *Globe*, 19 June 1856.
206. *Toronto Daily Leader*, 19 June 1856.
207. *Globe*, 19 June 1856.
208. *Morning Chronicle*, 21 June 1856.
209. *Globe*, 19 June 1856.
210. *Toronto Daily Leader*, 19 June 1856.
211. *Ibid.*
212. *Globe*, 19 June 1856.
213. *Toronto Daily Leader*, 19 June 1856.
214. *Ibid.*
215. *Ibid.*
216. *Globe*, 19 June 1856.
217. *Toronto Daily Leader*, 19 June 1856.
218. *Globe*, 19 June 1856.
219. *Toronto Daily Leader*, 19 June 1856.
220. *Globe*, 19 June 1856.
221. *Toronto Daily Leader*, 19 June 1856.
222. *Globe*, 19 June 1856.
223. *Toronto Daily Leader*, 19 June 1856.
224. *Hamilton Spectator Semi-Weekly*, 21 June 1856.
225. *Globe*, 19 June 1856.
226. *Ibid.*
227. *Ibid.*
228. *Ibid.*
229. *Ibid.*
230. *Toronto Daily Leader*, 19 June 1856.
231. *Ibid.*
232. *Globe*, 19 June 1856. *Toronto Daily Leader*, 19 June 1856, does not report the statements of Messrs. Brown, J.A. Macdonald, Cauchon and Felton, but does note at this point that "a good deal of desulatory [sic] discussion ensued, in which the scheme was characterized by the opposition as the most improvident that could be conceived, while it was stoutly defended by the government."
233. *Globe*, 19 June 1856.
234. *Ibid.*
235. *Morning Chronicle*, 21 June 1856.
236. *Globe*, 19 June 1856.
237. *Globe*, 19 June 1856. In a commentary, *Western Planet*, 30 June 1856, reports additional information regarding this part of the debate, as follows: "When asked how many miles he [Mr. Cauchon] proposed to give away on each side of the line, he said he thought about nine; but when informed by a member of the Opposition it would amount to twenty, he confessed that the latter statement might, for aught he knew, be of the two the more nearly correct!"
238. *Globe*, 19 June 1856.
239. *Morning Chronicle*, 21 June 1856.
240. *Globe*, 19 June 1856.
241. *Ibid.*
242. *Toronto Daily Leader*, 19 June 1856.
243. *Globe*, 19 June 1856.
244. *Toronto Daily Leader*, 19 June 1856.
245. *Globe*, 19 June 1856.
246. *Toronto Daily Leader*, 19 June 1856.
247. *Globe*, 19 June 1856.

248. *Toronto Daily Leader*, 19 June 1856.
249. *Globe*, 19 June 1856.
250. *Ibid*.
251. *Ibid*.
252. *Morning Chronicle*, 21 June 1856.
253. *Toronto Daily Leader*, 19 June 1856. This account also notes that there was a short discussion, but it is impossible to ascertain whether the information is related to the speeches of the members mentioned in the preceding excerpt.
254. *Toronto Daily Leader*, 19 June 1856.
255. *Globe*, 19 June 1856.
256. *Toronto Daily Leader*, 19 June 1856.
257. *Globe*, 19 June 1856.
258. *Toronto Daily Leader*, 19 June 1856.
259. *Globe*, 19 June 1856.
260. *Toronto Daily Leader*, 19 June 1856.
261. *Globe*, 19 June 1856.
262. *Toronto Daily Leader*, 19 June 1856.
263. *Globe*, 19 June 1856.
264. *Toronto Daily Leader*, 19 June 1856.
265. *Morning Chronicle*, 21 June 1856.
266. *Toronto Daily Leader*, 19 June 1856.
267. *Morning Chronicle*, 21 June 1856.
268. *Toronto Daily Leader*, 19 June 1856.
269. *Globe*, 19 June 1856.
270. *Toronto Daily Leader*, 19 June 1856.
271. *Toronto Daily Leader*, 19 June 1856. *Morning Chronicle*, 21 June 1856, also reports this information, despite its previous mention that Mr. Patrick's amendment was ruled out of order by the Chairman of the Committee (Mr. Alleyn).
272. *Globe*, 19 June 1856.
273. *Ibid*.
274. *Ibid*.
275. *Toronto Daily Leader*, 19 June 1856.
276. *Ibid*.
277. *Ibid*.
278. *Ibid*.
279. *Morning Chronicle*, 21 June 1856.
280. *Toronto Daily Leader*, 19 June 1856.
281. *Globe*, 19 June 1856.
282. *Toronto Daily Leader*, 19 June 1856. Both *Toronto Daily Leader*, 18 June 1856, and *Western Planet*, 30 June 1856, report commentaries regarding this debate.
283. *Toronto Daily Leader*, 19 June 1856.
284. *Ibid*.
285. *Morning Chronicle*, 21 June 1856.
286. *Toronto Daily Leader*, 19 June 1856, *Globe*, 19 June 1856, and *Morning Chronicle*, 21 June 1856, all report that the House adjourned at one o'clock.
287. *Globe*, 18 June 1856. According to this newspaper, this matter was brought up before the debate on the resolution regarding the Lake Huron to Quebec Railway.
288. *Globe*, 18 June 1856.
289. *Ibid*.

WEDNESDAY, 18 JUNE 1856

(645)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Casault*, — The Petition of *Joseph Gosselin* and others, of the Parish of *St. Irénée*.

By Mr. Solicitor General *Ross*, — The Petition of the Municipal Council of the County of *Beauce*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *A.B. Lafrenière* and others, of the Parish of *St. Guillaume*.

By Mr. *Thomas Fortier*, — The Petition of the Municipal Council of the County of *Nicolet*.

Pursuant to the Order of the day, the following Petition was read: —

Of the Municipality of the Parish of *St. David*; praying that the Counties of *Richelieu* and *Yamaska*, and the Parishes of *St. Antoine* and *Contrecoeur*, may be formed into a new Judiciary District, of which the Town of *Sorel* may be made the chief place.

Mr. *Polette*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-third Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Bills, and have agreed to report the same, without any amendment, viz: —

(646)

Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, for *Upper Canada*, to admit *Geoffry Hawkins* to practise as an Attorney and Solicitor therein, respectively:

Bill to authorize the Court of Chancery and Courts of Queen's Bench and Common Pleas in *Upper Canada*, to admit *Thomas Wright Lawford* to practise as a Solicitor and Attorney:

Bill to authorize the Courts of Queen's Bench, Chancery, and Common Pleas, to admit *Benjamin Walker* to practise as an Attorney and Solicitor therein, respectively:

Bill to admit *Hewitt Bernard* to practise as an Attorney and Solicitor in the Courts of Law and Equity in *Upper Canada*:

Bill to amend "An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of *Quebec*, and to vest more ample powers in the Corporation of the said City and Town:"

Bill to cancel so much of the Letters Patent setting apart certain Lands for the endowment of a Rectory in the Township of *Warwick*, as regards Lot number twenty-five in the first Concession South of the *Egremont* Road, in the said Township:

Bill to naturalize *Alfred Faulkenberg*.

And the following Bills, with several amendments, to which they request the concurrence of Your Honorable House, viz: —

Bill to amend the *Lower Canada* Municipal and Road Act of 1855, and to erect *St. Lambert* into a separate Municipality:

Bill to separate the County of *Victoria* from the County of *Peterborough*, and to fix the County Town at *Lindsay*.

Ordered, That the Bill to amend the *Lower Canada* Municipal and Road Act of 1855, and to erect *St. Lambert* into a separate Municipality, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Papin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to cancel so much of the Letters Patent setting apart certain Lands for the endowment of a Rectory in the Township of *Warwick*, as regards Lot number twenty-five in the first Concession South of *Egremont* Road, in the said Township, be read the third time To-morrow.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Union Bank of *Upper Canada*;" and the same were read, as follow: —

Page 2, line 7. Leave out "one" and insert "two."

Page 2, line 40. After "say" insert "the sum of One hundred thousand pounds within eighteen months, the further sum of Two hundred thousand pounds within three years, the further sum of Two hundred thousand pounds within four years, and the further sum of Four hundred and fifty thousand pounds" and leave out from "years" to the end of the Clause, and insert "after the Bank shall have so commenced the business of Banking, under penalty of forfeiture of their Charter."

Page 2, line 47. Leave out from "Stockholders" to "residing."

(647)

Page 3, line 22. After "shares" insert "and shall be a natural born or naturalized subject of Her Majesty, and resident in this Province."

Page 3, line 32. Leave out from "least" to "prior" and insert "three months."

Page 3, line 34. Leave out from "say" to "and" and insert "one share and not more than two, one vote, and for every two shares above two, one vote."

Page 5, line 6. Leave out "order" and insert "note."

Page 5, line 14. After "places" insert "in this Province."

Page 6, line 29. After "Bank" insert "either directly or indirectly raise loans of money or."

Page 6, line 42. Leave out "or officer."

Page 7, line 38. Leave out "or Local Director."

Page 9, line 2. Leave out from "Debentures" to "held" in line 3.

Page 10, line 45. Leave out from "proper" to "if" in Page 11, line 19.

Page 13, line 14. Leave out "ten" and insert "twenty."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Sir *Allan N. MacNab* do carry back the Bill to the Legislative Council, and acquaint their Honors, That this House hath agreed to their Amendments.

Ordered, That the Bill to alter the Survey of that part of the third Concession of *Onondaga* commonly called "*Martin's Bend*," and to confirm a new Survey thereof, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Loranger* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Loranger* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to naturalize *Alfred Faulkenberg*, be read the third time To-morrow.

Ordered, That the Bill to admit *Hewitt Bernard* to practise as an Attorney and Solicitor in the Courts of Law and Equity in *Upper Canada*, be read the third time To-morrow.

Ordered, That the Bill to authorize the Courts of Queen's Bench, Chancery, and Common Pleas, to admit *Benjamin Walker* to practise as an Attorney and Solicitor therein respectively, be read the third time To-morrow.

Ordered, That the Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, for *Upper Canada*, to admit *Geoffry Hawkins* to practise as an Attorney and Solicitor therein respectively, be read the third time To-morrow.

Ordered, That the Bill to authorize the Court of Chancery and Courts of Queen's Bench and Common Pleas, in *Upper Canada*, to admit *Thomas Wright Lawford* to practise as a Solicitor and Attorney, be read the third time To-morrow.

(648)

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to authorize the improvement of Water-courses;" and the same were read, as follow: —

Page 1, line 5. Leave out from "land" to "authorized" in line 6, and insert "is hereby."

Page 1, line 6. Leave out from "improve" to "bordering" in line 7, and insert "any Water-course."

Page 1, line 7. Leave out from "upon" to "or" and insert "running along."

Page 1, line 9. Leave out "description," and insert "descriptions."

Page 1, line 11. Leave out "Water-courses," and insert "Water-course," and leave out "their" and insert "its."

Page 1, line 14. Leave out "establishment" and insert "works."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. *Prévost* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Ordered, That the Bill to separate the County of *Victoria* from the County of *Peterborough*, and to fix the County Town at *Lindsay*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Conger* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

On motion of Mr. *Foley*, seconded by Mr. *Freeman*,

Ordered, That the Fee of Fifteen pounds paid in the matter of the Bill to incorporate the *Norfolk, Brant, and Wentworth* Railway Company, be refunded by the Clerk of this House.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Twenty-second Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Return to an Address for a Statement of all Seizures and Forfeitures made at the Custom House, *Montreal*, from 1st January, 1854, to 1st January, 1856, and recommend that it be printed. The usual number of copies; estimated cost, Six pounds ten shillings.

Resolved, That this House doth concur with the Committee in the said Report.

Ordered, That the Petition of *Joseph Gosselin* and others, of the Parish of *St. Irénée*, be now received and read, and the Rules of this House suspended as regards the same.

The said Petition was accordingly received and read; praying for the repeal of the *Lower Canada* Municipal and Road Acts.

Ordered, That the said Petition be referred to the Select Committee to which was referred the Bill to amend the Municipal and Road Act of 1855.

Ordered, That the Honorable Mr. *Lemieux* have leave to bring in a Bill to amend the Acts relating to the *Quebec* Turnpike Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

(649)

On motion of the Honorable Mr. Attorney General *Macdonald*, seconded by the Honorable Mr. *Cauchon*,

Ordered, That the Orders of the day be now read.

On motion of MR. FOLEY,¹

- (649) The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *Waterloo and Saugeen* Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Crawford* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.
Ordered, That the Bill be read the third time To-morrow.

On motion of MR. CHISHOLM,²

- (649) The House, according to Order, resolved itself into a Committee on the Bill for the protection of property lying on the Shore of Lake *Ontario*, in the Counties of *York*, *Peel*, and *Halton*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Foley* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.
Ordered, That the Bill be read the third time To-morrow.
- The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *British Bank of Canada*; and on the Bill to consolidate and amend the Acts constituting the Charter of the Bank of *Upper Canada*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Bellingham* reported, That the Committee had gone through the Bills, and made amendments to each of them.³
Ordered, That the Report be now received.
 Mr. *Bellingham* reported the Bills accordingly; and the amendments to each of them were read, and agreed to.
Ordered, That the Bills be read the third time To-morrow.
- The Order of the day for the second reading of the Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway, being read;

On motion of MR. BELLINGHAM,⁴

- (649) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.
Ordered, That the 71st Rule of this House be suspended [sic] as regards the said Bill.
- The Order of the day for the third reading of the Bill to incorporate the Society called "The Union of *St. Joseph* of *Montreal*," being read;
Ordered, That the Bill be read for the third time To-morrow.
- The Order of the day for the third reading of the Bill to amend and extend the Charter of the *Amherstburg* and *St. Thomas* Railway Company, being read;

MR. RANKIN moved the third reading of the Bill⁵.

MR. FREEMAN ... made some objections to the Bill⁶.

On motion of SIR A. MACNAB,
 It was referred back to Committee of the Whole⁷.

- (649) *Ordered*, That the Bill be recommitted to a Committee of the whole House for the purpose of further amending the same.

On motion of MR. RANKIN⁸,

- (649) *Resolved*, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Bowes*⁹ reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Bowes* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

(650)

Resolved, That the Bill do pass.

Ordered, That Mr. *Rankin* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to provide a Standard of Weights for Roots, Seeds, and Dried Fruit, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to provide a Standard Weight for Roots, Seeds, and Dried Fruit and Salt."

Ordered, That Mr. *Stevenson* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend and consolidate the Acts relating to the Commercial Bank of the Midland District, and to change its corporate name to the 'Commercial Bank of Canada.'"

Ordered, That Mr. *Gamble* do carry the Bill to the Legislative Council, and desire their concurrence.

MR. A. DORION moved the third reading of the Bill to amend the Montreal Incorporation Act.¹⁰

MR. C. DAOUST proposed the addition of a clause taking away from the Recorder of Montreal the right to imprison parties refusing to pay City Assessment.¹¹

MR. A. DORION thought the amendment was a good one, and would accept it. He himself had also an amendment to propose, which was that the 21st section, struck out in committee, should be reinstated. In moving this, he was only carrying out the wishes of the Mayor and Corporation of Montreal, whom it would empower to make certain improvements in the city.¹²

MR. COM. CR. LANDS CAUCHON objected to the reinstatement of the clause, as it would interfere with vested rights.¹³

MR. A. DORION contended that a proviso, which he had added, would save the rights of private individuals.¹⁴

After some further discussion, the Bill, as amended, was read a third time and passed.¹⁵

(650)

A Bill to amend the provisions of the several Acts for the Incorporation of the City of *Montreal*, was, according to Order, read the third time.

On motion of Mr. *Charles Daoust*, seconded by Mr. *Antoine Aimé Dorion*, a Clause (Notwithstanding anything contained in the 79th Section of the said Act 14 and 15 *Vic. cap. 128*, no order for the apprehension and detention of any person in the Common Gaol shall be issued upon a Judgment rendered for the recovery of any taxes, assessments, or sums of money due to the said Corporation,) was thrice read; and inserted between the 16th and 17th Clauses of the Bill.

Mr. *Antoine Aimé Dorion* moved, seconded by Mr. *Papin*, and the Question being put, That another Clause be inserted after the 20th Clause of the Bill (And whereas it is enacted in and by

(651)

the 74th Section of the said Act hereinbefore cited (14 and 15 Vic. cap. 128,) that in all cases where the proprietors of the majority of the real estate in any street, square, or section of the City, that is to say, the proprietors of the larger part in value of the said real estate, and according to the then assessed value thereof, may apply to the said Council for any specific local improvement in or to the said street, square, or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same, and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by by-law, a special rate tax, or assessment, on all real estate in the said street, square, or section of the said City, benefitted or to be benefitted by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide; but no provision is made in the said Section to fix and determine what real estate in the said street, square, or section of the said City, is so benefitted or to be benefitted by the said improvement, or to apportion the said special rate tax, or assessment, on the said real estate, as nearly as may be in proportion to the benefits resulting, or to result from the said specific improvement: Be it therefore enacted, that in all cases where land or property may have been taken and appropriated for any specific improvement, by virtue of the said in part recited 74th Section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the sworn assessors of the said City shall, upon view of the premises, adjudge, fix and determine the real estate in any such street, square, or section of the said City, benefitted or to be benefitted by any such specific improvement heretofore made or hereafter to be made by virtue of the said Section of the said Act, on the application of the proprietors of the majority of the real estate in any such street, square, or section of the said City; and the said assessors shall be, and they are hereby required to assess, and apportion the amount thus assessed for compensation, to cover the expense of the said improvement, and all costs incurred thereby, on the said real estate benefitted or to be benefitted by the said improvement, as nearly as may be in proportion to the benefits resulting therefrom, and they shall briefly describe the real estate on which any assessment is made by them. The said assessors shall view the premises, and in their discretion receive any legal evidence, and for that purpose they are hereby authorized to administer oaths to witnesses, to require and compel their attendance before them, and to hear and examine them when present; and any witness refusing to attend and give evidence before the said assessors, when duly summoned by them so to do, shall incur the like fine or penalty or both, to be recovered or enforced before the Recorder's Court of the said City, as for refusal to appear when duly summoned before the said Court; and the said assessors may, if they shall deem it necessary, adjourn from day to day. They shall also, before entering upon their duties, give notice to the persons interested, of the time and place of their meeting, for the purpose of viewing the premises, and making and apportioning such assessment, at least five days before the time of such meeting, by publishing such notice in at least one *English* and one *French* newspaper published in the said City. If there be any building on any land taken for such improvement, the value thereof, with a view to the removal of the said building, shall be ascertained and stated in the said assessment, and the owner thereof may remove the same within ten days or in such other time as the said Council shall allow, after the confirmation of the report of the said assessors; if he shall so remove such building the value thereof so ascertained shall be deducted from the amount of compensation awarded to him. The determination and assessment of the said assessors, signed by all or the majority of them, shall be returned to the said Council within thirty days after they shall have been required to make and apportion the said assessment. The said Council after the determination and assessment of the assessors, and their apportionment of the said assessment, is returned to them, shall give two weeks' notice in at least one *English* and one *French* newspaper, published in the said City, that the same will on a day to be specified in such notice be confirmed, unless objections thereto, briefly stated, shall be previously filed with the City Clerk; if no such objections are so made, the said determination and assessment, and apportionment thereof, shall be confirmed by the said Council; if objections be made, as aforesaid, any person interested may be heard before the said Council touching the matter, on the day specified in the aforesaid notice, or on such other day as the said Council shall appoint; and the said Council may, after hearing such persons, confirm such determination and assessment, and apportionment

thereof, or modify the same, by reducing any part or parts, item or items thereof, but the said Council shall not have power to augment any part or portion thereof; and the determination of the said Council shall be final and conclusive on all the persons interested, and a by-law may be made and passed thereon, to levy the said assessment on the properties and persons, and in the proportions so finally determined upon by the said Council. Provided nothing in this Act shall apply to any indemnity to be determined with regard to any local improvement begun before the passing of this Act, and all such indemnity shall be determined as if this Act had not passed); The House divided: — And it passed in the Negative.

Resolved, That the Bill do pass.

Ordered, That Mr. *Antoine Aimé Dorion* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] DR. CLARKE¹⁶,

(652) A Bill for the Incorporation of the *Saugeen* Harbour Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Clarke* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. HOLTON¹⁷,

(652) A Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal* Cemetery Company," was, according to Order, read the third time; and, on motion of Mr. *Holton*, seconded by Mr. *Antoine Aimé Dorion*, the Bill was re-amended by restoring between "disturbed" in Page 7, line 23, and "This" in Page 9, line 30, the words ordered to be left out.

Resolved, That the Bill, with the Amendments, do pass.

Ordered, That Mr. *Holton* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, with several Amendments, to which they desire their concurrence.

[On motion of] MR. MUNRO¹⁸,

(652) A Bill to amend the Act incorporating the *Bond Head* Harbour Company, to increase the Capital Stock of the said Company, and for other purposes, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act incorporating the *Bond Head* Harbour Company, to increase the Capital Stock of the said Company, and to incorporate the Village of *Newcastle*."

Ordered, That Mr. *Munro* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. AT. GEN. J.A. MACDONALD¹⁹,

(652) A Bill to amend and consolidate the Law relative to the Governors of the *Kingston* General Hospital, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend and consolidate, as amended, the Laws relative to the incorporation of the Trustees of the *Kingston* Hospital."

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. HOLTON²⁰,

- (652) A Bill to incorporate the *Canada* Marine Insurance Company, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Holton* do carry the Bill to the Legislative Council, and desire their concurrence.
- A Bill to incorporate the Transatlantic Telegraph Company, was, according to Order, read the third time.²¹
Resolved, That the Bill do pass.
Ordered, That Mr. *Holton* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. HOLTON²²,

- (652) An Act to incorporate the *Queenston* and Great Western Railway Company, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the *Queenston* and *St. Catharines* Railway Company."
Ordered, That the Honorable Mr. *Merritt* do carry the Bill to the Legislative Council, and desire their concurrence.
- (653) Mr. Speaker communicated to the House the following Letter: —
Government House,
Toronto, 18th June, 1856.
- Sir, — I am commanded to inform you that His Excellency the Governor General will proceed to the Legislative Council Chamber, To-morrow, at Three o'clock, P.M., to assent, in Her Majesty's Name, to certain Bills passed by the Legislative Council and Legislative Assembly.
I have the honor to be, Sir,
Your obedient Servant,
J.G. Irvine, A.D.C.
- The Honorable Speaker
of the Legislative Assembly, *Toronto*.
- The Order of the day for the second reading of the Bill from the Legislative Council, intitled, "An Act to amend the Militia Law," being read;

MR. SOL. GEN. H. SMITH moved the second reading of the bill.... He [also] moved the House into committee of the whole to consider the amendments.²³

MR. J.S. MACDONALD objected to the provisions of the Bill which gave to the Governor General the power of appointing an increased number of commandants. This would put a new charge on the country, and should therefore originate in committee of the house. He approved of the clauses giving power to the Governor General to do away with the annual muster, and regulating the appointment of assistant and Veterinary Surgeon.²⁴

MR. AT. GEN. J.A. MACDONALD explained that the utmost expense to which the commandants of the new districts would put the country, would be of the most trifling amount; and put it to his hon. friend whether it was worth while to oppose the Bill on that account.²⁵

MR. J. SMITH approved of the Bill, as putting the military system of the country on something like a satisfactory footing. He thought that measures ought also [to] be taken for the fortification of the shores of Lake Ontario, and that the marine force authorized by law ought to be organized, and a number of gunboats provided to guard the commerce of the lake.²⁶

MR. J.S. MACDONALD renewed his objection.²⁷

MR. SICOTTE the SPEAKER did not think that it was necessary that this Bill should originate in a committee of the whole. The Bill, however, had originated in the other house, and it was for the house itself to decide whether that was an infringement on its rights.²⁸

SIR A. MACNAB did not believe there was any infringement on the rights of this house. He approved of the Bill, which would give them one of the finest militia laws on the American continent.²⁹

After some further discussion the Bill was read a second time, and the house then went into committee upon it.³⁰

(653) The Bill was accordingly read a second time; and committed to a Committee of the whole House.
 Resolved, That this House will immediately resolve itself into the said Committee.
 The House accordingly resolved itself into the said Committee;

MR. J.S. MACDONALD objected to the clause giving the power of appointment of officers to the Governor General. All the appointments in Upper Canada were of the old Tory Class.³¹

MR. RANKIN. — No.³²

[MR. J.S. MACDONALD:] The hon. member for Essex was the only exception.³³

MR. BOWES thought on the other hand, that the old Tory party were greatly neglected in the Militia appointments.³⁴

MR. AT. GEN. J.A. MACDONALD said, that one way or another the Government did not interfere in militia appointments, and the first instruction which the Adjutant General got from the Governor General was to make appointments totally irrespective of political considerations. He referred to [the] divisional command of Kingston, which was given to Angus Cameron, who had been a Serjeant in the 79th, and subsequently a Captain of Militia, in '37; several other officers having been passed over.³⁵

MR. GAMBLE asked how it happened that in the 5th division a junior officer had been appointed, and Col. Thompson, an old and meritorious officer passed over.³⁶

MR. AT. GEN. J.A. MACDONALD said, that the adjutant-general and not he was responsible for this.³⁷

MR. CRAWFORD thought the Scotch had no reason to complain in the matter of militia appointments. He thought the Irish, on the other hand, were greatly neglected.³⁸

MR. HARTMAN complained that the Germans were neglected.³⁹

MR. PAPIN asked if the plan of Government, non-interference was followed in Lower Canada?⁴⁰

MR. AT. GEN. J.A. MACDONALD made a gesture in the affirmative.⁴¹

MR. PAPIN. — I should be surprised to hear the Attorney General say "yes."⁴²

MR. J.S. MACDONALD instanced several appointments in which he contended political influence had been used. The Government and not Baron Rottenburg should be held responsible.⁴³

MR. AT. GEN. J.A. MACDONALD defended the appointments, and denied the responsibility of the Government.⁴⁴

MR. RANKIN praised the appointment of Baron de Rottenburg to the head of the Military department, and was sure that in making appointments the only test would be the competency of the applicants. He (Mr. Rankin) had, since he was in opposition, submitted several names to the Adjutant General, which were acted on without any reference to the Government. He regretted, however, that the present bill did not make better provisions for the greater efficiency of the Militia force.⁴⁵

MR. FELTON approved of the course pursued by the Government, and bore testimony to the progress made by Militia, as evidenced at the late review. He believed the force to be a popular one, but he thought a greater liberality might be pursued in allowing the men composing the force better arms and clothing.⁴⁶

MR. SOL. GEN. H. SMITH inserted an amendment in the bill to provide for holding the muster of the Lower Canadian Militia on the 30th of June, whenever the 29th should fall on Sunday⁴⁷.

The bill went through the Committee.⁴⁸

(653) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Chisholm* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Chisholm* reported the Bill accordingly; and the Amendment was read, as followeth: —

Page 1, line 42. After “Veterinary Surgeons” insert the following Clause: “In amendment of the Sixth section of the said Act, be it enacted and declared, that in case the Muster day for the Sedentary Militia as fixed by Law shall happen to fall on a Sunday, the day following such Sunday shall be deemed to be the day of Muster in *Lower* as well as in *Upper Canada*.”

The said Amendment, being read a second time, was agreed to.

MR. J.S. MACDONALD [moved] the expungement of the clause empowering the Governor General to increase the number of Military districts, beyond nine in each Province.⁴⁹

MR. PATRICK approved of the amendment. He [said] the old Militia bill was sufficiently good, and the present bill was not popular in the rural districts — where substantial men did not like to be taxed for mere display. In '37 the Militia had done their duty, and done it well, without any measure of this kind.⁵⁰

MR. ROBINSON denied that the measure was unpopular in the rural districts, where many volunteer corps had been raised with willingness.⁵¹

MR. SOL. GEN. H. SMITH regretted that at the present crisis the hon. member for Glengary should divide the house on such a subject, and called upon hon. members to vote down his (Mr. Macdonald's) amendment.⁵²

The motion was opposed by the majority of the house; but a division being called for, the House divided on the amendment.⁵³

(653) The Honorable *John Sandfield Macdonald* moved, seconded by Mr. *Patrick*, and the Question being put, That the Bill be recommitted to a Committee of the whole House, with an Instruction to leave out the following Clause: “Notwithstanding any thing in the Act cited in the Preamble to this Act, the Commander in Chief may from time to time, by any Militia General Order, alter the division of the Province into Military Districts, and may, if he shall see fit, increase the number of such Districts beyond the number of nine in either portion of the Province; and to the Military Districts to be so constituted all the provisions of the said Act shall apply, and a Colonel and proper Staff Officers may be appointed in each of them;” the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Bureau, Christie, Church, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Freeman, Hartman, Huot, Laberge, John S. Macdonald, Roderick McDonald, Marchildon, Matheson, Munro, Papin, Patrick, Poulin, Prévost, Scatcherd, Valois, and Wright.* — (31.)

(653-654)

NAYS.

Messieurs *Alley, Bellingham, Bowes, Burton, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Evanturel, Fellowes, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, O'Farrell, Polette, Pouliot, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, and Yeilding.* — (55.)

So it passed in the Negative.

MR. SOL. GEN. H. SMITH moved the third reading of the Bill⁵⁴.

(654)

Ordered, That the Bill, with the Amendment, be now read the third time.

The Bill, with the Amendment, was accordingly read the third time.

Mr. Solicitor General *Smith* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being put, That the Bill, with the Amendment do pass; the House divided: — And it was resolved in the Affirmative.

Ordered, That Mr. Solicitor General *Smith* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, with an Amendment, to which they desire their concurrence.

Mr. *Alley*, from the Committee of the whole House to consider the expediency of setting apart and appropriating a certain portion of the ungranted Lands of the Crown, in order to aid and encourage a Railway from *Pembroke*, on the River *Ottawa*, to Lake *Huron*, reported a Resolution; which was read, as followeth: —

Resolved, That in order to aid and encourage a Railway from *Arnprior* or *Pembroke*, on the River *Ottawa*, or any point between the said two places, to Lake *Huron*, it is expedient that Four millions of acres of the ungranted Lands of the Crown adjacent to the line of the said Railway, should be set apart for that purpose; and that whenever any portion of the said Railway, not less than twenty-five miles in length, shall be actually completed in a good and permanent manner, equal at least to that in which the Great Western Railway is made, and with Stations, Rolling Stock, and other appurtenances sufficient for the proper working of the said Railway, then, upon the Report of some skilled Engineer whom the Governor shall appoint for the purpose, and the approval of such Report by the Governor in Council, that there should be granted to a Railway Company, by the Governor in Council, a portion of the said Four millions of acres of Land lying adjacent to the portion of the said Railway so completed, and bearing such proportion to the Four millions of acres as the length of the portion of the Railway so completed bears to that of the whole of the said Railway; and that such grant should be a free grant, and the Company should have full power to alienate the Lands so granted, and to deal with them in such manner as they may think proper.

The Honorable Mr. *Cauchon* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the said Resolution be now read a second time;

MR. PAPIN moved, as an amendment to the original resolution — “That the report be not now received, but be referred back to a Committee of the whole, to amend the same, by providing, ‘That out of the 4,000,000 of acres of land to be given to the Company there[in] mentioned, 2,000,000 only should be granted for that part of the road which may extend from Lake Huron to Arnprior, and from that to Pembroke; and that the two other millions be granted to the said Company, only as the said Company shall proceed to the construction of the rest of the remaining part of the road in contemplation, from

Pembroke to Montreal, and from Montreal to Quebec.’”⁵⁵ The hon. gentleman explained as his object that if the four million acres were granted to construct the line from Lake Huron to Pembroke there would be no guarantee to the country that the remainder of the line from Pembroke to Simcoe would ever be constructed.⁵⁶

MR. AT. GEN. J.A. MACDONALD thought that the hon. member had not read the Bill, as his amendment showed that he scarcely understood its object. The hon. gentleman then entered into a detail of roads proposed to be encouraged by the Bill, and endeavoured to show that the project of an extended line to Quebec would be better carried out by the resolution than by the amendment.⁵⁷

MR. J.S. MACDONALD drew the attention of the house to the fact that this company could secure the four million acres to themselves.⁵⁸

MR. FELTON would vote for the amendment, and if the amendment failed he would vote for the main motion — by so doing he washed his hands of the whole matter.⁵⁹

MR. RANKIN believed this a most expensive grant to build 170 miles [sic] of railroad, nevertheless, he was in favor of the scheme as he always had been, and only objected because he did not know where the line was to run to.⁶⁰

MR. AT. GEN. J.A. MACDONALD defended the course the Government pursued in this matter, and pointed out to hon. members that the bill provided that the road should be finished, and if there was an overplus in the proposed grant it would be applied to finishing other roads.⁶¹

MR. FELLOWES desired to know, in the event of the government going on with this scheme, what they intended to do with the company to whom a charter had been granted by the House, to construct a similar line to the one now proposed to be built. There seemed to be an intention manifested to deprive this company of its vested rights, and to prevent such an act he would move the following amendment to the original resolution: — That the report be not now received, but that it be referred back to the committee of the whole with instructions to amend the same, so as to apply the grant of four million acres to the company already chartered for the construction of a railroad from Bytown to the Georgian Bay, and from thence to the Sault Ste. Marie, to be called the Bytown and Prescott [sic] Railroad Company. The hon. gentleman went on to say that here was a company already chartered to construct the line, and now the house is about to extend that bill to another company in opposition to that company.⁶² —

MR. SICOTTE the SPEAKER interrupted the hon. member to enquire whether his amendment was to the main motion or to Mr. Papin’s.⁶³

MR. FELLOWES replied that his amendment applied to the main motion.⁶⁴

MR. SICOTTE the SPEAKER, in that case, would put Mr. Papin’s amendment from the chair.⁶⁵

(654) Mr. *Papin* moved in amendment to the Question, seconded by Mr. *Bureau*, That all the words after “now” to the end of the Question be left out, and the words “recommitted to a Committee of the whole House, with Instructions to amend the same, by providing that out of the Four millions of acres of Land to be granted to the Company therein mentioned, Two millions only shall be granted for that part of the Road lying between Lake *Huron* and *Arnprior* or *Pembroke*; and that the Two other millions be given to the said Company only in proportion as they shall complete the works on the remainder of the contemplated Road from *Arnprior* or *Pembroke* to *Montreal*, and from *Montreal* to *Quebec*” inserted instead thereof;

(655)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bureau, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Antoine A. Dorion, Evanturel, Felton, Guévremont, Jobin, Labelle, Laberge, Laporte, Marchildon, Papin, Prévost, Thibaudeau, and Valois.* — (18.)

NAYS.

Messieurs *Aikins, Alleyn, Bell, Biggar, Bowes, Brown, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Church, Conger, Cook, Crawford, Daly, Delong, Dionne, Jean B.E. Dorion, Dostaler, Dufresne, Fellowes, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Gill, Hartman, Huot, Larwill, Lemieux, Lumsden, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Matheson, Mongenais, Angus Morrison, Munro, Murney, Niles, Patrick, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Supple, Taché, Turcotte, Wright, and Yeilding.* — (71.)

So it passed in the Negative.

And the Question being again proposed, That the said Resolution be now read a second time;

MR. FELLOWES moved in amendment — “That the report be not now received, but that it be referred back to the Committee of the Whole, with instructions to amend the same so as to apply the said grant to the company already chartered, for the construction of a railway from Bytown to the Georgian Bay, and thence to Sault Ste. Marie, called the Bytown and Pembroke Railway Company.”⁶⁶ [He] went on to say that the bill was brought in by a gentleman residing at the extreme point of the line proposed to be built. He hoped that the land would be granted to the company already chartered, and that the Government would carry out their original intentions, or else future generations would have it recorded that the Government broke faith with the first company, and did that what they ought not to do. He considered it his duty to move that the grant be given to the company already in existence, rather than to be placed at the disposal of the Governor in Council to be applied to any plan that may turn up.⁶⁷

MR. CRAWFORD was of opinion that the last speaker forgot to mention that the line that he advocated had a gap of sixty miles in it that it had no power to build.⁶⁸ The Brockville and Ottawa Company had the power of building [those] 60 miles of the line ... from Armprior [sic] to Pembroke.⁶⁹ He would oppose the amendment, and vote for the original resolution.⁷⁰

MR. FERRES. — How much of the stock of the Bytown and Pembroke Company has been subscribed?⁷¹

MR. FELLOWES. — The line has been surveyed and is under contract.⁷²

After some further conversation, the House divided on ... [the] amendment⁷³.

(655)

Mr. *Fellowes* moved in amendment to the Question, seconded by Mr. *Supple*, That all the words after “now” to the end of the Question be left out, and the words “recommitted to a Committee of the whole House, with Instructions to amend the same so as to apply the said grant to the Company already chartered for the construction of the Railway from *Bytown* to *Georgian Bay*, (and from thence to *Sault Ste. Marie*,) called the *Bytown* and *Pembroke* Railway Company” inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Darche, Fellowes, Jobin, Papin, Patrick, Supple, Valois, and Yeilding.* — (8.)⁷⁴

(655-656)

NAYS.

Messieurs *Aikins, Alleyn, Bell, Biggar, Bowes, Brown, Bureau, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Christie, Church, Conger, Cook, Crawford, Crysler, Jean B. Daoust, Delong, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Drummond, Dufresne, Evanturel, Felton, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Gill, Guévremont, Hartman, Huot, Labelle, Laberge, Laporte, Larwill, Lemieux, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Matheson, Mongenais, Angus Morrison, Munro, Niles, O'Farrell, Polette, Pouliot, Prévost, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Wright.* — (79.)

(656)

So it passed in the Negative.

And the Question being again proposed, That the said Resolution be now read a second time;

Mr. *Patrick* moved in amendment to the Question, seconded by Mr. *Fellowes*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of amending the same, by inserting after the word 'Huron' the words 'and from the City of Ottawa to the Town of Prescott,' and by inserting after the word 'Railway' where it occurs the last time, the words 'that a proportion of the aforesaid Lands, equal to the length of its [sic] Road, be granted to the Ottawa and Prescott Railway Company for the purpose of liquidating their debts' " inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Biggar, Church, Crysler, Delong, Fellowes, Jobin, Papin, Patrick, James Ross, and Yeilding.* — (10.)

NAYS.

Messieurs *Aikins, Alleyn, Bell, Bowes, Brown, Bureau, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Cook, Crawford, Jean B. Daoust, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Dufresne, Evanturel, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Gill, Guévremont, Hartman, Huot, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Matheson, Angus Morrison, Munro, Murney, O'Farrell, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Wilson, and Wright.* — (69.)⁷⁵

So it passed in the Negative.

(657)

And the Question being again proposed, That the said Resolution be now read a second time;

MR. BROWN reminded the house that the proposal was to give four millions of acres for the construction of a road from Arnprior or Pembroke to Lake Huron, 160 miles in length — 25,000 acres for the construction of every mile of it.⁷⁶ It is proposed to take a width of twenty miles at each side of the line along its entire length — and the House is called on to make this enormous grant, without knowing the condition of the country that the line will run through, or, in fact, what it is that they are voting away.⁷⁷ And all this was to be handed over to a private Corporation, without any conditions. Before Responsible Government was introduced, the old system in Upper Canada used to be to vote provincial money for local purposes. This was found to be so great an evil, that it became absolutely necessary to give it up, and to throw the expense of local improvements on the localities themselves. Now, he apprehended that the same evil which used to be felt in regard to the extravagant expenditure of the public money, would be entailed upon us in regard to the public lands. If this scheme carried, next session many other roads would be coming to the Legislature with similar applications and with much better reason.⁷⁸

He would like to know what necessity existed for this road — seeing the number of roads that are in the country struggling for existence. With these remarks he would leave the matter with the House.⁷⁹

MR. PATRICK moved another amendment, to the effect that no lands in Upper Canada should be appropriated for the construction of Railways in Lower Canada.⁸⁰

MR. HOLTON said the hon. member might as well propose a Dissolution of the Union at once. As long as this remained a united Province, to adopt any such principle as that contained in the amendment would be absurd.⁸¹ The proposed amendment did not touch on the merits of the question before the house at all; he would therefore vote against it.⁸²

MR. WILSON also opposed the amendment. — As to the proposal itself of the Commissioner of Crown Lands, he considered that⁸³ the whole scheme [w]as a wild project, without a parallel in this country or in the States. Here it is proposed to construct a line through a wilderness,⁸⁴ which was likely to remain so for a number of years to come⁸⁵, and to carry what, he would like to know — ⁸⁶

A voice, fish.⁸⁷

[MR. WILSON resumed:] He clearly foresaw the result, if as was likely, the people of England were induced [to] take stock in the proposed line, under the delusion that it was a thriving undertaking — the result would be disappointment and vexation. There never was a railroad made through a wilderness that had not failed. How, he would like to know, could the line be expected to pay where there were no inhabitants. He was greatly afraid that it was not the honorable Commissioner of Crown Lands that projected the scheme, as he appears never to have heard where the line was to end, or what country it was to run through.⁸⁸

MR. GAMBLE concurred in the opinion expressed by the hon. member for Montreal. He objected *in toto* to the scheme, which he denominated as absurd and nonsensical, and nothing short of a job⁸⁹, got up for the benefit of speculators.⁹⁰ [He also] strongly denounced Mr. Patrick's proposition.⁹¹

MR. FREEMAN announced that unless some further information was given as to the road, he would not vote for its construction.⁹²

MR. MACKENZIE said he would vote for ... [Mr. Patrick's amendment] with all his heart. Did not the French drag us down to Quebec, and come up here, to plunder us of our lands, our money, and our free institutions? Had they not passed thro' committee, at the bidding of a stranger at the government house, four millions of dollars of Upper Canada money for unprofitable Lower Canada objects? Were they not eating up the country like Egypt's locusts? Shall we invite them again to rob the province, as they did in 1854, to pay the French seigneurs?⁹³ [He] did not hear any reason adduced why Upper Canadians should submit to have their land given to construct Lower Canadian railroads. It is proposed to take us [sic] much land as would make two American states for no other purpose than to give it to speculators and monopolists. It seemed to him, that no other reason could be given for this grant than that it was to secure the votes of some hon. gentlemen on other matters. Supposing that the grant was given to this company, the country knows nothing about the line as yet. Altogether the affair was like a lottery, and the house should have nothing to do with such things. He did not expect to see the noble and the patriotic statesmen of Upper Canada uniting with Lower Canadian members to give away the lands of the people — in fact abandoning all principle.⁹⁴ He would vote for Mr. P.'s resolution, and would join in asking that the yeas and nays be recorded, so that degenerate Upper Canada members might enrol their names where they belonged.⁹⁵

MR. PATRICK, in reply to the member for Montreal, stated that he had always gone for a dissolution of the Union, and he thought that Upper Canadians should vote for his amendment.⁹⁶

MR. SCATCHERD felt convinced that if this amendment was brought before the townships of Upper Canada that it would receive their concurrence. He could speak positively for his own constituents."

The House then divided on the amendment.⁹⁸

(657)

Mr. *Patrick* moved in amendment to the Question, seconded by Mr. *Supple*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of amending the same, by adding at the end thereof the words 'but that no Lands lying in *Canada West* shall be appropriated for the construction of Roads in *Canada East* ' " inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Brown, Christie, Cook, Delong, Fellowes, Foley, Frazer, Freeman, Hartman, Mackenzie, Matheson, Munro, Niles, Patrick, Scatcherd, Supple, and Wright*. — (19.)

NAYS.

Messieurs *Alleyn, Bell, Bellingham, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Conger, Crawford, Crysler, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Drummond, Dufresne, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Holton, Huot, Labelle, Laberge, Laporte, Larwill, LeBoutillier, John S. Macdonald, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, Murney, O'Farrell, Papin, Polette, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, Wilson, and Yeilding*. — (68.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bell, Bellingham, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Drummond, Dufresne, Evanturel, Fellowes, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Huot, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, and Turcotte*. — (56.)

(658)

NAYS.

Messieurs *Aikins, Biggar, Brown, Chisholm, Christie, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Gamble, Hartman, Holton, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Munro, Murney, Niles, Patrick, Prévost, Scatcherd, Somerville, Southwick, Valois, Wilson, and Wright*. — (33.)

So it was resolved in the Affirmative.⁹⁹

And the said Resolution, being read a second time, was agreed to.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act to authorize the Reverend *Henry Patton* to convey in fee simple a portion of a certain Glebe:"

Bill, intituled, "An Act for the Inspection of Flour, Indian Meal, and Oatmeal:"

Bill, intituled, "An Act to authorize the City of *London* to negotiate a Loan of Sixty-three thousand pounds to consolidate the Debt of the City, and for other purposes." And also,

The Legislative Council have agreed to the Amendments made by this House to the Bill, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal* Cemetery Company," without any Amendment: And also,

The Legislative Council have agreed to the Amendment made by this House to the Bill, intituled, "An Act to amend the Militia Law," without any Amendment.
And then he withdrew.

MR. SICOTTE the SPEAKER left the chair at six o'clock.¹⁰⁰

MR. SICOTTE the SPEAKER resumed the chair at eight o'clock.¹⁰¹

(658)

The House resumed the further consideration of the Amendment which was on Monday last proposed to be made to the Question, That the Bill (to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*.) be now read a second time; and which Amendment was, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. FELTON said it struck him that as the House had adopted the principle of granting lands to aid railroads, they might at once adopt some plan of proceeding common to all, as it was not improbable that further requests for grants in aid of similar enterprises, might be asked for.¹⁰² The Government had not sufficiently explained whether the land would be granted in sections or not. The sectional plan was systematically used in the States, and if it were now adopted in this instance, he thought the house should provide that it should be adopted on all future occasions. In the States the grant in all cases was for six alternate sections, that was three miles on each side of the road. The hon. member read an extract from an Act of Congress, to show that this was the case pursued with the Illinois line.¹⁰³ The House ought, therefore, at once to decide whether every alternate section, or every sixth section, should be granted, in these cases. Now, if either proceeding were adopted, it was plain that the government might sell their portion of the land along the line, at such a rate as would completely undervalue the company's territory. No provision whatever was made in the bill to prevent a procedure so ruinous to the Company, although such a provision was absolutely necessary, and was always made in the American laws.¹⁰⁴ He condemned the ignorance of the Government, and expressed an opinion that the hon. Commissioner of Crown Lands had never looked to the legislation of the United States for instruction on this subject, although Congress had been dealing with the subject for the last 20 years. There was also a provision in all the States Acts regarding grants of land to railroads, that the roads subsidized should be a highway as far as the Government was concerned, and should transport troops, &c., free of toll. This, he contended, should also be adopted by the hon. Commissioner. There was another provision, that notwithstanding the grant of land for public purposes, the Government should not be called on to support the line in any further way. That too ought to be adopted.¹⁰⁵

MR. J.S. MACDONALD wished to know when the Government were coming down with their resolutions respecting the double majority principle, of which the hon. Attorney General had given the following notice: — "That while the principle of a double parliamentary majority in Parliament is not recognized by the constitution, this House is of opinion that any attempt at systematic and continuous legislation affecting one section of the Province, contrary to the expressed will of the majority of the Representatives of that section, would be fraught with evil consequences to the well being of the Province and productive of much injustice." If the Government failed in coming down with these resolutions shortly, then he meant to test their sincerity in the matter, by moving that the notice be struck off the paper.¹⁰⁶ (Cheers.)¹⁰⁷

The House divided on Mr. Brown's amendment¹⁰⁸.

(658)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Brown, Chisholm, Christie, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Freeman, Gamble, Hartman, Holton, Lumsden, John S. Macdonald, Roderick McDonald, Marchildon, Matheson, Merritt, Munro, Murney, Niles, Prévost, Rolph, Scatcherd, Somerville, Southwick, Valois, and Wright.* — (31.)

(658-659)

NAYS.

Messieurs *Bowes, Bureau, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Church, Conger, Crawford, Crysler, Desaulniers, Dionne, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Labelle, Laberge, Laporte, Larwill, Lemieux, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, Polette, Poulin, Pouliot, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, and Yeilding.* — (47.)

So it passed in the Negative.

On the original question being put,¹⁰⁹

MR. J.S. MACDONALD again asked when the hon. Attorney General West meant to bring forward his motion respecting the double majority principle. Would the hon. and gallant knight say he was satisfied with the conduct of the Government in this matter?¹¹⁰ He [Mr. Macdonald] wished to know if this continuous and systematic disregard of Upper Canadian votes were to be always here pursued.¹¹¹

MR. SOL. GEN. H. SMITH said that the hon. gentleman misunderstood his hon. friend's notice, which referred to the inexpediency of legislating systematically for one Province.¹¹² If the hon. member for Glengary understood the effect of the scheme before the House, he would not attempt to raise a discussion on the project on sectional grounds. The scheme before the House was not sectional. It was a great Provincial undertaking.¹¹³

The bill was then read a second time.¹¹⁴

MR. COM. CR. LANDS CAUCHON moved that it be referred to the standing committee on railroads, and that the 71st rule of the House, requiring notice to be given before sending such bill to the committee, be suspended.¹¹⁵

(659)

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the 71st Rule of this House be suspended as regards the said Bill.

Mr. *Gamble*, from the Committee to consider the expediency of extending further Aid to the Grand Trunk Railway Company of *Canada*, to enable them to complete their undertaking, reported a Resolution; which was read, as followeth: —

Resolved, That for the purpose of enabling the Grand Trunk Railway Company of *Canada* to complete their undertaking, it is expedient to authorize the Governor in Council to carry into effect an arrangement provisionally entered into between the Government of *Canada* and the said Company, based upon the following terms, viz: —

That the Railway Company shall be allowed to issue Preferential Bonds to the extent of Two millions sterling. The holders of such Bonds to have priority of claim therefor over the present first lien of the Province.

That such issue shall not take place until the Railway from *St. Thomas, Lower Canada*, to *Stratford, Upper Canada*, shall have been finished and in operation.

That the proceeds of the said Bonds shall be paid over to the Provincial Agents in *London*, and released on the certificates of the Receiver General upon proof of progress of the work.

That the said proceeds shall be appropriated to the aid or construction of the following works and in the proportion hereinafter mentioned: —

The Railways from <i>St. Mary's</i> to <i>London</i> and <i>Sarnia</i>	£450,000
The Railway from <i>St. Thomas, Lower Canada</i> , to <i>Rivière du Loup</i>	525,000
<i>Victoria</i> Bridge	800,000
<i>Three Rivers</i> and <i>Arthabaska</i>	125,000
To enable the Grand Trunk to assist subsidiary lines, such as the <i>Port Hope</i> , <i>Cobourg</i> , and <i>Prescott</i>	100,000
	£2,000,000

That the *St. Mary's* and *London* branch and subsidiary lines shall be completed by the

Stratford and *Sarnia* 1st September, 1857.

Arthabaska and *Three Rivers* 1st September, 1859.

The *Victoria* Bridge 1st January, 1860.

St. Thomas and *Rivière du Loup* line, as follows: —

From *St. Thomas* to *Rivière Ouelle* 1st January, 1859.

From *Rivière Ouelle* to *Rivière du Loup* 1st January, 1860.

(660)

That in order to restore to the *Trois Pistoles* Road, the guarantee diverted from it by the Act of 1854 and expended on the *Toronto* and *Stratford* section, there shall be reserved from the proceeds of the Preferential Bonds as they are paid over to the Provincial Agents, such a portion for the section of the Road from *St. Thomas* to *Rivière du Loup*, as shall insure its progress equally with the other works above-mentioned.

That the interest accruing on the Provincial Bonds during the period of five years, being the time necessary for the completion of the works, and for the development of the through traffic, shall be advanced by the Province, and such advances, as they are made, shall be repaid to the Province in share capital of the Company.

That the lien of the Province, subject to the preceding condition, shall rank, as to dividend or interest, with that of the Company's Bond-holders.

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Cartier*, and the Question being proposed, That the said Resolution be now read a second time;

MR. J.S. MACDONALD said that before this resolution was voted in committee of the whole, an attempt was made by hon. gentlemen on his side of the House, to have these resolutions subdivided, and they had appealed from the chairman's decision on the subject. Now, he would maintain the items composing this resolution were divisible. For instance, he might be in favor of the construction of the section of the work, and be decidedly opposed to another — he might be in favor of building the *Trois Pistoles* road, and yet hostile to the construction of any of the remaining sections of the road; and this was more especially the case, on a scheme of such gigantic proportion as the present [one]. Hon. gentlemen ought to have an opportunity of giving separate votes on the appropriation for this line — an appropriation amounting to £2,000,000, the first mortgage on the road.¹¹⁶ Many hon. members who were disposed to vote for part of the scheme, would not vote for the whole, and on the other hand, there were many votes only given for the whole scheme because no opportunity was given for voting separately on the different parts.¹¹⁷ Under the circumstances, the House ought not to force him to vote the entire appropriations *en bloc*. He would therefore move that the said resolution be divided and the opinion of the House to be taken on each clause thereof. But before putting the resolution in the Speaker's hands, he claimed it as a right to have this resolution divided into separate clauses.¹¹⁸

MR. SICOTTE the SPEAKER said it was not the right of any individual member of the house to decide that a resolution which he might consider complicated, should be divided. As an individual right, it could not be granted. But the resolution before the chair might be amended in such a way as to be put to the House in as many distinct motions as there were lines in it.¹¹⁹

SIR A. MACNAB. — The hon. member will see now that it is not the right of an individual member to say whether the question was complicated or not. He has got the highest authority in this House for saying that this was not a complicated question. He [Sir A. MacNab] had no hesitation in saying he was in favor of finishing the road, and in looking at the position in which the country is placed in regard to this road, he would say that¹²⁰ either the Government or the contractors should finish the line, and he thought it much better that the latter should do so.¹²¹ He hoped the House would not consent to divide the question; but would take it as it was before the committee. No new light had been thrown upon it by all the discussion which had taken place. If hon. gentlemen would say anything new, he would willingly hear them. But he did not think they should sit and hear gentlemen reiterate the same remarks over and over again. He moved, therefore, that the question be put at once.¹²²

CAPT. RHODES said the hon. and gallant knight had invited the House to say something new about the Grand Trunk Railway, I am, therefore, prepared to say a few words in favor of the Railway itself, and in favor of the contractors, which, I believe, will be considered new.¹²³ [I] heard nobody give the credit to the company and contractors that was their due.¹²⁴

[Voices:] That's not new.¹²⁵

[CAPT. RHODES continued:] I was one of those who took an early opportunity of doing what I could to give to this country the great advantage of its Railway communications, so far as the Grand Trunk Railway is concerned, and though we worked out of Parliament, yet what with the co-operation of the people of this country and of their representatives in Parliament, a large measure of success has attended our labors, and the country is about to possess a most admirable system of Railway. In the course we were obliged to follow, the Grand Trunk Railway prospectus was projected, and I am prepared to show that it contains the names of the agents for the Province of Canada in London, and of the Ministry of Canada in this country. These names, in conjunction with others, represented the most respectable Canadian names at that time, being the names of men enjoying the highest political and social position in the country — the House must not therefore, be surprised when I state, that I have never been able to discover anything so very wrong in this prospectus, and I think it but justice to all parties connected with the earlier days of the Grand Trunk, to say, I never saw any desire or intention of the gentlemen who were working with me to act in any way which might justify the objectionable and improper expressions which are constantly used when speaking of them and of the Railway. The impression on my mind is, that these Grand Trunk Directors have done good service to this country, and that the people of this country before long will do them full justice.¹²⁶ But [he] allowed that nevertheless the people of Canada had good reason to complain. (Hear, hear.) The reason of this was to be found in the history of governments who had retained office against the will of the people, and use[d] the Grand Trunk enterprise as an engine of Parliamentary bribery. The bad management of the company had commenced after the formation of the London board, who made a great mistake in not allotting the whole of the stock to parties who had interested themselves in the Grand Trunk Railroad. — Another mistake made was in closing their doors against all persons connected with Canada. He himself, (Mr. Rhodes) though a director, had been excluded from the meetings of the London board. Nevertheless, though these English gentlemen were to be blamed, they should also get their share of credit, which was to be found by looking to the list of shareholders. It was not true that the directors had reserved most of the shares to themselves. They had only retained 10,000 out of 66,000, and the list of shareholders contained a most respectable body of names. He (Mr. Rhodes) would now say a few words in favour of the contractors. (Hear, hear, and question.)¹²⁷ It

is also but justice to them to state that though I have had many communications with them, I never saw anything improper in their way of doing business, but on the contrary an anxious desire to act in an honorable and straightforward manner, and I have been both pained and surprised at the attempts so constantly made to disparage these gentlemen. To my knowledge, the contractors found many of us engaged in desparate [sic] efforts to give to our country a Railway system, and I shall always acknowledge the important aid [they] thus gave our Railway interests.¹²⁸ It was by their means that there was no necessity to call on the municipalities and the city of Quebec to contribute.¹²⁹ It must not have escaped the notice of this House, that these contractors have always respected the independence of members of Parliament, and I do not expect to be contradicted when I state that I do not think there is one member of this House who has to thank these gentlemen for any portion of his political or social position.¹³⁰ (Hear, hear.)¹³¹ I do not think there is one member who is under any personal obligation to these gentlemen, and I certainly say when gentlemen respect us and our Canadian institutions they ought to be treated in a different way than many members adopt when talking of them and their affairs.¹³² And if hon. members could not agree in supporting the Grand Trunk, he hoped, at least, they would not attribute mean motives to the contractors. (Question.)¹³³ The truth is, every description of prejudice has been brought against the Railway, and generally by them who have no knowledge of the enormous difficulties to be encountered before so great a social benefit can be gained as a Railway; but if these gentlemen had ever toiled to promote such works they would be more disposed to follow the course I intend to take, which is to say nothing in favor of the financial scheme of the Inspector General, because I cannot; but to take a generous view of the Government Railway policy and inasmuch as there are some good points in the policy, with reference to an aid being given to the Railway, to the location of the line, and to the avoidance of subscriptions of debentures by municipalities, I shall support the Government.¹³⁴ He [Capt. Rhodes] was glad to find that the government had abandoned the system of calling on the municipalities to contribute, as that plan did not work well. He denied that Canada West was assisting the East in this scheme, and said that for his part he would never look to the fact of a railroad being Upper or Lower Canadian so long as it was a good scheme.¹³⁵ I would not allow the vote to be taken without expressing my honest convictions that those who projected the Grand Trunk Railway need not be ashamed of the part they had to take in the work, and as I was formerly a director of the Company, it has been necessary for me to correct to some extent the prevailing erroneous feeling. (Hear, hear.)¹³⁶ The hon. gentleman apologized for trespassing on the time of the house — (hear, hear) — and sat down.¹³⁷

MR. ALLEYN said that judging from what the hon. member for Megantic had stated, one would imagine that he had taken a most active part in promoting this great enterprise. But he warned hon. gentlemen from giving the hon. member too much credence in that point. The fact was that one of the chief causes of the unpopularity of the Grand Trunk, was the extraordinary collection of persons composing its directory — of which the hon. member for Megantic was one. It was absolutely ridiculous to see that hon. member taking Lower Canada under his protection, as it were, and smiling beneficently on it. Now he, (Mr. Allyn) would state it as a fact that at that moment the hon. member had not a single penny of stock in the road, and he would tell that hon. gentleman that if he wished to assist any party in the house, he would for the future confine himself to a select vote. With regard to the Grand Trunk question, he would first deprecate the system of abusive and personal discussion generally indulged in by hon. gentlemen on both sides of the house, in relation to that as well as other questions.¹³⁸ He was not opposed to the Grand Trunk, — but with regard to its direction, he considered there had been gross mismanagement. The hon. member proceeded to give his views on the various parts of the Grand Trunk scheme. He was prepared to make great sacrifices to carry out the Victoria Bridge, which he looked upon as a great national work, which, when completed, would be more astonishing than the pyramids of Egypt.¹³⁹ He held it that the scheme having been accepted by the agents of the Grand Trunk, the house should not interfere. Every man understood, or at least ought to understand his own business, and the company being satisfied with the present terms, ought to be allowed to complete their work. And although by

voting for this measure he ran the risk of incurring the displeasure of his constituents, still he should feel it his duty to do so. Looking at the scheme economically and politically, the best thing they could do was to allow the present contractors to complete the works, and that the Province should not in any way retard the completion of this great national work. He would therefore vote for the resolution.¹⁴⁰

MR. ROBINSON thought that it would have been much better for the hon. member for Glengary to have informed the House what particular item of the resolution he would support, or else declared his intention of voting against them all. And from the hon. gentleman's remarks he was of opinion that the latter course would be adopted by that hon. gentleman.¹⁴¹ He thought the question had been argued most unfairly by the member for Lambton, the member for Glengary, and others of the Opposition. One would have fancied, hearing the speeches of those members, that the English gentlemen connected with the Grand Trunk were a set of blacklegs, who were besieging the house for five or six millions of money, to which they had no claim.¹⁴² Whereas the fact was, that the gentlemen embarked in this undertaking were the leading capitalists of England, and the very best men to complete it.¹⁴³ These gentlemen, at a very large expenditure of money, had nearly completed a work of great magnitude, of immense importance to Canada, although at great loss to themselves.¹⁴⁴ In the short space of three years, they had completed from 600 to 900 miles of their line; and yet they were most vilely abused and slandered.¹⁴⁵ And who were the contractors spoken of so abusively? Messrs. Brassey, Peto, Betts, and Jackson — men who stood highest in their profession in the world, and who had come forward with their capital for the Grand Trunk in the hour of Canada's need.¹⁴⁶ And he would remind hon. gentlemen that those very gentlemen had constructed the railroad to Balaklava, without receiving one shilling for the work in advance, and at a time when a panic pervaded the mother country — a deed for which they deserved the warmest thanks of every patriotic Briton. These were the gentlemen who were so unsparingly denounced for having taken up a great Provincial scheme, which when completed, would be the admiration of posterity. The hon. gentleman then entered into a statement of the progress made by the company, and concluded by declaring his intention of voting for the resolution as a whole.¹⁴⁷

MR. MERRITT said the question under consideration is the amendment of the hon. member for Glengary. He questioned the policy of the grounds upon which this resolution has been brought on as a whole, and he would assign his reasons for supporting the motion in amendment before the chair. He was disposed to do every thing that could be done by this country to support the undertaking, and he therefore threw back with scorn the remarks of the hon. gentlemen opposite and on the Treasury benches, that he or those who acted along with him had any feeling against the English shareholders who unfortunately have been entrapped on this occasion. Quite the reverse. The contractors had also been taken in,¹⁴⁸ with the exception, perhaps, of Mr. Jackson,¹⁴⁹ and therefore they should adopt the most effectual means to help them out of their difficulty. With regard to the resolutions, there was one of them respecting the Victoria Bridge. Now, he should never vote one single penny for this bridge, nor vote for it in any manner of way whatever, because it is the most injudicious thing that can be imagined. The first design was to have a bridge 102 feet high; but now they are going to dam up the St. Lawrence¹⁵⁰, the noblest river on earth, for the sake of a paltry railway, fifty-seven feet and a half in width, which for Upper Canada, and the trade of the West, could not compete with the railways through the States.¹⁵¹ The whole of the traffic of the New York Central from the Suspension Bridge is 660,000 tons, and he was convinced they would never get 100,000 tons by this Victoria Bridge, and he would show why. He would give his reasons why this could not be done, and for that reason he never could bring his mind to interfere with the water communication of the St. Lawrence.¹⁵² From Toronto to Portland, by the Grand Trunk, the distance was 637 miles. From Toronto to the Suspension Bridge, 80 miles; from the Suspension Bridge to the Hudson River, 298 miles; and thence to New York, 144 miles; in all, 522 miles from Toronto to New York, 115 miles shorter than to Portland.¹⁵³ What is the cost of taking goods along these railroads?¹⁵⁴

MR. COM. CR. LANDS CAUCHON. — Oh, you are mistaken altogether.¹⁵⁵

MR. MERRITT would like the hon. gentleman to show where he was mistaken. The price of light freight is about 5½ cents. per ton per mile by the Erie Road, and it would be impossible to take it by the Grand Trunk at a less rate than the average of the New York lines — which runs from 2 cents. or 5 to 5½ cents. on others, and while that is the case it would be impossible to direct the trade of the west by the Grand Trunk to Portland. Let them expend whatever money upon the Victoria Bridge they cho[o]se, and this consideration shows the utter waste of the money. Yet hon. gentlemen stand up here and speak grandly upon this subject. The hon. member for Quebec styles it a great national work. But what is a great national work. It must be something that is useful to the nation. As far as relates to the entering into this undertaking, he would make one remark. They were originally drawn into it by the votes of Lower Canada members.¹⁵⁶ In 1851, when introduced, besides the members of the government, only four Upper Canada members voted for the measure; none of the Lower Canadians, with three exceptions, voted against it.¹⁵⁷ He merely mentioned that to show that they had been dragged into the measure, and now they were going into such another measure in this Lake Huron road.¹⁵⁸

A Member. — This is to get the trade of the Far West.¹⁵⁹

MR. MERRITT. — No doubt hon. gentlemen think so — but they support that measure from other reasons than those which present themselves, if you study the facts of the case. He would therefore support the amendment.¹⁶⁰

MR. BOWES regretted exceedingly that so much feeling should have been thrown into the discussion of a subject which involved nothing more than the mere commercial question, whether they should go on with this great enterprise. Had the question been whether or not they should build a railway from Trois Pistoles, he should at once say from the present state of the money market, this House should at once negative such a proposition. — But that is not what they had to consider. When this question first came before this country, money could be obtained in England at 2½ per cent., and it was seeking investment at that, and the eminent contractors from Britain who understood the work stated that such was the state of the money market that no portion of the funds would be required from Canada to build this railway, although £3,000 a mile were guaranteed, for such were the facilities with which money could be obtained in England, and such was the credit of the contractors that it was supposed and believed they would never take advantage of the guarantee made by the Parliament of Canada to secure the building of this road. No one would suppose that to build a road requiring something like £10,000,000, they would take money from Canada at 6 per cent., when they could get it in England at 2½ per cent. But the Eastern War changed the money market in England, and from 2½ per cent. it rose to 6 and 8, and as high in some instances as 10 per cent., and every one at all acquainted with the English money market knows that when money is at 10 per cent. it is much more difficult to get it even at that, than when it is seeking investment at 2½ per cent. The contractors failed therefore in the expectations they entertained. They applied for the guarantee, and after the guarantee was expended they applied for aid and they got aid. Now they ask further assistance to finish the work, and the question is — shall we, after having expended £3,111,000 of our own money and £4,000,000 of the money of the people of Britain, allow this great work to fail for want of more aid? The hon. member for Glengary a few evenings ago stated to the hon. member for Brockville and himself (Mr. Bowes) that he would vote for any scheme the government would be disposed to bring down to this House. And had this hon. gentleman succeeded in his famous resolutions, and had he formed the Government, the programme of which he (Mr. Bowes) had in his desk, and had he [Mr. J.S. Macdonald] in that responsible position brought down a scheme for the completion of this railroad he would have supported it. And had that hon. gentleman not repudiated the extreme views of the hon. member for Lambton, and had they jointly brought down that scheme, he (Mr. Bowes) would be found even supporting such a scheme coming from an objectionable member of an objectionable

Government, so anxious was he to see this line finished. The hon. member for South York charged the Government the other evening with neglecting the interests of the country, because they failed to bring back the trade which had been diverted from the St. Lawrence to Boston and New York. He believed the Government had endeavored to bring back that trade. They have built piers and harbors and light-houses, for the safety and protection of the ships in the St. Lawrence. They had all heard of Baby contracts for the purpose of facilitating traffic of the St. Lawrence. Yet all these endeavors had failed to bring back that trade. It had been stated by members on this side of the House that Upper Canada has no interest in the works of the St. Lawrence. He would say that Upper Canada had an equal, if not a greater interest in these works than Lower Canada; and out of the words of the hon. member for Lambton, he would judge him. That hon. gentleman has stated that Upper Canada pays three-fourths of the duty on all the imports of Canada. If that is the case Upper Canada has just exactly three times the interest in these works that Lower Canada has. With regard to the Victoria Bridge, he would state without the slightest fear of contradiction, that Upper Canada has more interest in the connexion of Montreal with Portland and with Sarnia than Lower Canada has. Montreal which expected to be benefitted specially, will not be benefitted by that bridge, with the exception of by the influx of visitors that will be brought to examine a work of this magnitude. But every farmer in Upper Canada who raises a bushel of wheat and every miller who grinds a barrel of flour for export, have a direct interest in that bridge. And the depreciation of the property in the barn, would if a speedy communication were opened up, more than pay the interest of all the expenses of that bridge. If any commercial man would make the calculation he would find that Upper Canada has exactly three times the interest in that bridge which Lower Canada has. The hon. member for South York in moving a bill the other day for the incorporation of the Millers' Association, stated correctly that Upper Canada sent down three-fourths or four-fifths of the whole flour shipped at Montreal. If that is the case, and he believed it was so, then it was evident that Upper Canada has considerably more interest in that bridge than Lower Canada, and every merchant in Upper Canada has a greater interest in that bridge than the merchants in Lower Canada. The hon. member for Lincoln says that merchandise never can be brought by that road, in consequence of its greater length, but taking his own average of three cents a mile he found that goods could be laid down in Toronto at \$20 a ton, while by the Suspension Bridge we pay 120 cents a cwt, equal to \$24 a ton. Then there is the difficulty and the delay necessarily experienced in spring in getting the goods forward. The interest of the money thus locked up will pay all the difference that might exist, even if a difference existed. But the fact is the difference is all on the other side. He would not say that all the speeches and motions made against this as a Lower Canada improvement, are nothing but bunkum; but he would pledge his reputation as a merchant that Upper Canada has more interest in this work than Lower Canada. He would confess that he was not exactly in favor of the scheme of the Government, but as he was very desirous to see this work completed he would vote for that scheme. It has been stated that the Directors deserved credit for the way which this road had been conducted. He would deny it. He was convinced they had mismanaged that road, and had they not mismanaged it this House would not have been asked to come down with [an] other £2,000,000 to aid them. Had they commenced west, instead of east, and made that portion of the road first that would have paid, and made a return of their traffic upon that part of the road, and had that return gone home all our stock would have floated off in the London market at par, and this House would not have been asked for the £900,000 loan, much less for this grant of £2,000,000.¹⁶¹ If it had been managed in this way, the road would have paid a good profit on the stock originally invested.¹⁶² He believed the contractors had faithfully performed all their pledges with the exception of that one — that they would never require any money from Canada to build that road. He never could have concurred in the proposition submitted by the stockholders of the road to the Inspector General, as in his opinion it would have done more to destroy the credit of this country than anything else we could have done. It was said that that proposition was submitted by the stockholders because they believed they had been deceived by the people of Canada. He would deny that the people of Canada in the slightest degree misrepresented the growing interests of this country. The highest authority in the land came down with a dispatch in reference to the resources

of this country, and that dispatch no doubt had something to do with the ideas that were formed in regard to this road. But the people of Canada and the people of Britain as well, were deeply interested in this road, and he would say that he had more confidence in this road now than when this absurd prospectus which was read a short time ago was placed before the public. Had this road been begun properly, there is no doubt that it would have been paying, and though it had been mismanaged it will eventually pay, if the western portion was finished, and he had no doubt that ultimately both the eastern and western portions will pay interest on the money expended on them. If the scheme of the Inspector General will give the necessary aid, that hon. gentleman will have accomplished a very excellent object indeed; but he (Mr. Bowes) had his doubts regarding it. Yet in carrying it out he did not think that Canada could lose anything, because if the road is not completed we will lose all the money invested in that road. Any one who goes to Sarnia and sees its improvements and the rapid increase in the population of that part of the country will at once say that this will eventually be a paying portion of the road. But he wished to ask the Inspector General if the rumor which is current is correct, that the Great Western and the Grand Trunk Railway Companies have formed a connexion, and that in consequence, the Grand Trunk has abandoned that section of their road from Stratford to Sarnia, and have agreed to join the Great Western at London and proceed thence to Sarnia by the Great Western line. He wished the Inspector General to say whether this were true, or whether the Sarnia portion of the road would be commenced forthwith.¹⁶³

MR. INSP. GEN. CAYLEY. — I have no reason to believe there is any truth in the report. The Sarnia portion is part of the line.¹⁶⁴

MR. BOWES. — Am I then to understand that that line is to be commenced forthwith. I have been instructed by the City Council of which I am a member, as well as representing the interests of the city, which had stock to the extent of £100,000 in this road, to make enquiry of the Inspector General in reference to this point.¹⁶⁵

MR. RANKIN. — This scheme proposes to finish the road to Sarnia in 1858.¹⁶⁶

MR. INSP. GEN. CAYLEY. — The road to Sarnia is one of the original roads in the contract, and government expect the contractors to finish all their original contracts. With regard to that particular line he would say that it goes through part of his own county, and although the hon. member for Lambton takes no care of what goes through his county, he (Mr. Cayley) took an interest in what went through his county.¹⁶⁷

MR. J.S. MACDONALD. — Are you satisfied now?¹⁶⁸

MR. BOWES. — The hon. member for Glengary views this question in a political light; but he (Mr. Bowes) trusted that in future it would be viewed in a commercial light, without being mixed up with politics at all. He thought the Opposition were as responsible to the country for the completion of this road and for the protection of the interests of the country as the government. Although of course the whole responsibility of this scheme will devolve upon the government, every member from Upper Canada is responsible for the vote he gives upon it.¹⁶⁹ [He] hoped that the hon. members for Glengary and Lambton would co-operate with the Inspector General in carrying out this line from Stratford to Sarnia, as holding the position they did in that house their influence would be of considerable assistance.¹⁷⁰ He thought if the Grand Trunk were now stopped a great deal of commercial distress would be brought upon the country in consequence. He would therefore vote for this, not as the best scheme that could be brought down, because he did not believe that, but because it is the only scheme that we have to secure the finishing of the road without sacrificing us to the extravagant views of the stockholders in England.¹⁷¹

MR. MARCHILDON rose¹⁷² —

[The hon. member] was interrupted by cries of "question" from the ministerial side of the house, [and other noises.]¹⁷³

[MR. MARCHILDON] was understood to say that this was a specimen of the gentility of the majority and ministerial politeness, and then after some observations against the Grand Trunk scheme, resumed his seat.¹⁷⁴

MR. BELLINGHAM said that the Grand Trunk had been a sort of epidemic, from which all parties concerned in it had suffered. The road should have been built from Halifax to the west, and not for the purpose of encouraging the United States ports, as was the policy of the Hon. Francis Hincks. The hon. member referred to the charges made against the company by Mr. Keefer, and said that they deserved much more serious attention than they had received in that house. He repeated that the road ought to have been built for £6,000 per mile, and gave an instance of a line being in course of construction in New Brunswick at that rate. The part of Canada which he (Mr. Bellingham) represented had not the slightest interest in the Grand Trunk line; but on the contrary, they had suffered much injury from the company. The Province ought not to sacrifice its political influence to any grant company, and this they ought to do by encouraging the Grand Trunk line. — Nevertheless, he would assist on finishing the road, in prospect that there would be a radical change in the management of the company. He did not approve of the system of apportioning small grants over separate lines, but he would vote with the Government, although against the will of his constituency, in order to establish a great national road for the benefit of posterity.¹⁷⁵

MR. RANKIN ... [adverted] at some length to the schemes of the Government¹⁷⁶. [He] believed that the portion of the road below Quebec could never be remunerative, and that the money voted for that part of it would be thrown away. If it was distinctly declared that it was intended to resort to every legitimate means to procure a complete road connecting with the Lower Province, he would lend his assistance to such a project, for having a continuous line of railway from the extreme western limit of the Province to Halifax, one of the finest harbours on the continent, from which it was practicable to establish a line of ocean steamers which could make a run to Liverpool in five days.¹⁷⁷ Then if the line were finished we could come right up to any of the western cities with a great saving of time. He might state indeed that the passage from Chicago to Liverpool could be made in eight days. If the road were carried out to Halifax there can be little doubt that it will command all the traffic of the United States. The rate of traffic would be such as would make it of advantage for forwarders to despatch their goods by this route. And there was no doubt that passengers would avail themselves of it to avoid a longer sea voyage. The objects to be gained by the construction of the line to Halifax were many and good. The land through which the line would pass would be increased in value¹⁷⁸, [and this] would far more than compensate for the cost.¹⁷⁹ The voyage across the Atlantic would be made in half the time; and in the next place it would pave the way to settling the Western States, which are not yet settled; but the vast resources of these districts are being developed more and more, and the tide of emigration rolls in that direction¹⁸⁰. If the Government were prepared to give a distinct assurance that they would use every exertion to induce the other Provinces and the Imperial Government to assist in carrying this out, he would be disposed to swallow the present scheme as a whole, but not otherwise.¹⁸¹

MR. INSP. GEN. CAYLEY said that the lower portions of the Grand Trunk could only be made productive by carrying out the whole line to Halifax. This country had already voted a million of acres for the purpose, and no doubt every exertion would be made to induce the Home Government to assist in carrying it out.¹⁸²

MR. RANKIN objected to the words no doubt. He wanted positive information.¹⁸³

MR. AT. GEN. J.A. MACDONALD said it had been a part of the policy of the Hincks Government to promote the Halifax line, and that Government appropriated a million of acres to the purpose. Every one would recollect the reasons why the scheme failed. But that million of acres was still appropriated to the purpose, and was at any time available. It was a matter not only of colonial but of Provincial concern, and he had little doubt that the scheme would be received most favourably by the Imperial Government. It might be remembered that Lord Grey, as Colonial Minister, fostered it to a certain extent, and he did not think that late events had diminished the necessity for the making of that road for British purposes, for the purposes of British Empire. There was no doubt it was not only the interest of New Brunswick, but its settled policy to have a line of railway through that Province, connecting with Canada on the one side and Halifax on the other. The present scheme, if carried out, would cause the construction of a railway as far as Riviere du Loup, and there remained the million of acres appropriated to carry it to the Province line. New Brunswick had its railway scheme settled. Nova Scotia would be only too happy to have the wealth and resources of the other two provinces brought to Halifax. And there would thus be the united exertions of the three provinces to press on the Government of Great Britain the necessity of joining in the formation of that road. He thought that late events affecting the relations between the United States and England would show that the necessity of having a road of this kind on British ground, free from the possibility of foreign attack, was more urgent than it ever was before. It would be the duty, and not only the duty, but the anxious desire of the present government to press on the Imperial Government the necessity of completing the line to Halifax. No exertion would be spared on the part of the Government to carry out the scheme.¹⁸⁴

MR. RANKIN expressed himself satisfied with the statement made by the Attorney General.¹⁸⁵

MR. J.S. MACDONALD said that if the views expounded just now by the Attorney General had been formerly the views of the Government, they would have had some evidence before this of their anxiety to press on the British Government the importance of extending the line from Riviere du Loup to the Lower Provinces. The member for Essex must be satisfied with slight assurances, if the statement by the Attorney General was sufficient to satisfy him. He must know that the present Government held office on a very frail tenure, and were scarcely in a position to say what schemes they could carry out. For his own part, although he might be as willing as any one to see the Grand Trunk extended to the Province line, and thence to Halifax, he had very slight expectations of seeing it realized, for the Home Government quite abandoned the project in 1853, and the Grand Trunk had accordingly obtained another Atlantic terminus at Portland.¹⁸⁶

MR. MACKENZIE stated that the change which came over the Government, when a member's vote was wanted, was remarkable. In 1853, the present Attorney General and Solicitor General were the deadliest enemies of the project of a Railway to Halifax, and now they were loud in its praise. So was Mr. Robinson, who had now turned round, and made a strong speech in favour of [sic] the scheme. There were other members of the house who ought not to vote on this motion, as they were partners in the company, and their using their influence in favour of the scheme, was a violation of the independence of the house. It was voting money into their own pocket, and their giving their votes was a violation of the 32nd rule of the house.¹⁸⁷

MR. SICOTTE the SPEAKER explained that any objection of this kind should be made on the vote being tendered.¹⁸⁸

Mr. J.S. Macdonald's amendment for the division of the resolution was then put and lost.¹⁸⁹

(660)

The Honorable *John Sandfield Macdonald* moved in amendment to the Question, seconded by Mr. *Hartman*, That all the words after "Resolution" to the end of the Question be left out,

and the words "be divided, and the opinion of this House separately taken on each paragraph thereof" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the said Resolution be now read a second time;

Mr. *Brown* moved in amendment to the Question, seconded by the Honorable *John Sandfield Macdonald*, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to give up the lien by first Mortgage on the Grand Trunk Railway, now held by the Province as security for Three millions eight hundred and eighty-nine thousand three hundred and seventy-five pounds, currency, advanced to the said Grand Trunk Railway Company" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

MR. MERRITT moved another amendment, to the effect that this country having been invited by Great Britain, in 1837, to construct its own railroads, the mother country should lend its aid to the construction of these roads. The Canadian Government ought therefore be empowered to borrow money in the English market at three per cent., lend it in this Province at six per cent., and with the difference create a sinking fund. Were that plan adopted, they would not owe a fraction in twenty years hence.¹⁹⁰

MR. AT. GEN. J.A. MACDONALD was not at all sanguine of the success of such a scheme. But at all events, the matter should come up as a distinct substantive motion.¹⁹¹

MR. SICOTTE the SPEAKER said the hon. member for Lincoln ought to make the motion on the second reading of the bill.¹⁹²

MR. MERRITT was afraid that would be tantamount [sic] to a rejection of the bill. All he wanted was to give more effectual aid to the undertaking.¹⁹³

MR. J.S. MACDONALD hoped the hon. member for Lincoln would not introduce such an important motion until the second reading of the bill.¹⁹⁴

MR. MERRITT then withdrew his motion.¹⁹⁵

(660)

And the Question being again proposed, That the said Resolution be now read a second time;

Mr. *Mackenzie* moved in amendment to the Question, seconded by Mr. *Scatcherd*, That all the words after "That" to the end of the Question be left out, and the words "so much of the said Resolution as directs the appropriation of One hundred and twenty-five thousand pounds to a new Railway to be surveyed hereafter, and known as the *Arthabaska* and *Three Rivers* Railway; and finished by the 1st September, 1859, be left out" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Brown, Christie, Cook, Darche, Delong, Jean B.E. Dorion, Fellowes, Foley, Frazer, Freeman, Hartman, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Munro, Murney, Niles, Patrick, Rolph, Scatcherd, Southwick, Wilson, and Wright.*

(27.)

(660-661)

NAYS.

Messieurs *Alleyn, Bellingham, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Crawford, Cryslar, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Drummond, Evanturel, Ferres, Thomas Fortier,*

Fournier, Gamble, Gill, Guévremont, Labelle, Laberge, Laporte, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Prévost, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, Valois, and Yeilding. — (64.)

(661)

So it passed in the Negative.

And the Question being again proposed, That the said Resolution be now read a second time;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Jean Baptiste Eric Dorion, That all the words after "That" to the end of the Question be left out, and the words "so much of the said Resolution as appropriates One hundred thousand pounds to enable the Grand Trunk to assist subsidiary lines, such as the *Port Hope, Cobourg, and Prescott* be struck out, as no part of the Grand Trunk Line requiring aid, and as leaving undefined the proportions of the said sum to each or either of these Roads" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Christie, Cook, Darche, Jean B.E. Dorion, Frazer, Freeman, Hartman, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Munro, Niles, Rolph, Scatcherd, Southwick, Wilson, and Wright.* — (24.)

NAYS.

Messieurs *Alleyn, Bellingham, Bowes, Burton, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Crawford, Crysler, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, Dionne, Antoine A. Dorion, Drummond, Fellowes, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Huot, Labelle, Laberge, Laporte, Larwill, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Prévost, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, Valois, and Yeilding.* — (63.)¹⁹⁶

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

(662)

YEAS.

Messieurs *Alleyn, Bellingham, Bowes, Burton, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Church, Conger, Crawford, Crysler, Jean B. Daoust, Dionne, Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Huot, Labelle, Laberge, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, and Yeilding.* — (55.)

NAYS.

Messieurs *Aikins, Bell, Biggar, Brown, Casault, Chisholm, Christie, Cook, Charles Daoust, Darche, Delong, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Evanturel, Fellowes, Foley, Frazer, Freeman, Gamble, Hartman, Laporte, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Munro, Murney, Niles, Papin, Patrick, Prévost, Rolph, Scatcherd, Southwick, Valois, Wilson, and Wright.* — (39.)

So it was resolved in the Affirmative.¹⁹⁷

And the said Resolution, being read a second time, was agreed to.

MR. MACKENZIE then moved that the vote of Mr. Crawford be disallowed, as having a personal and pecuniary interest in the question before the house.¹⁹⁸

MR. CRAWFORD denied that he had any direct pecuniary interest in the vote, not in common with the rest of Her Majesty's subjects.¹⁹⁹

MR. MACKENZIE said that the answer of the hon. member was unsatisfactory, and appealed to the practice of the House of Commons as a reason why Mr. Crawford's vote should be disallowed.²⁰⁰

MR. BROWN thought that those who had an interest in the Grand Trunk Railway were voting against instead of for that interest in assenting to the present scheme.²⁰¹

The motion was lost²⁰².

(662) Notice being taken that Mr. *Crawford*, who voted with the Yeas, is a Shareholder in the Grand Trunk Railway Company, he was heard in his place; and stated that he had no direct pecuniary interest in this vote, separate to himself and not in common with the rest of Her Majesty's subjects.

And then he withdrew.

Mr. *Mackenzie* moved, seconded by Mr. *Frazer*, and the Question being put, That the Vote of Mr. *George Crawford*, a Director in the Grand Trunk Railway Company, be disallowed, he having a personal interest in the result as a Shareholder of the said Company; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Christie, Darche, Jean B.E. Dorion, Foley, Frazer, Hartman, Roderick McDonald, Mackenzie, Marchildon, Munro, Scatcherd, and Wright*. — (14.)

(662-663)

NAYS.

Messieurs *Bell, Bowes, Attorney General Cartier, Cauchon, Chisholm, Conger, Cook, Cryslar, Jean B. Daoust, Desaulniers, Dionne, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Huot, Labelle, Larwill, Lemieux, Loranger, Macbeth, Sir A.N. MacNab, McCann, Mongenais, Angus Morrison, Polette, Poulin, Pouliot, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, Turcotte, and Yeilding*. — (45.)

(663)

So it passed in the Negative.

Ordered, That the Honorable Mr. *Cayley* have leave to bring in a Bill to grant additional Aid to the Grand Trunk Railway Company of *Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Order of the day for the second reading of the Bill to continue for a limited time the several Acts and Ordinances therein mentioned, being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

Then, on motion of Mr. *Mackenzie*, seconded by Mr. *Hartman*,
The House adjourned.²⁰³

Appendix

[POSTPONED MOTION FOR AN ADDRESS RE: THE AUDITOR OF PUBLIC ACCOUNTS.]

CAPT. RHODES moved an address to his Excellency for a copy of all correspondence relative to the charge made by the Commissioner of Crown Lands, in his place in Parliament, against the Auditor of Public Accounts.²⁰⁴

MR. CASAULT objected to the motion being taken out of its order²⁰⁵ [OR] he maintained that the motion was out of order.²⁰⁶

MR. J.S. MACDONALD said that it was too late to object now.²⁰⁷

MR. SICOTTE the SPEAKER ruled that the motion could not be objected to until it was put from the chair.²⁰⁸

MR. HOLTON threw on the Commissioner of Crown Lands the responsibility of obstructing this motion, after he had assented yesterday to its being taken up to-day. He regretted that the Government should perpetrate so gross an injustice on Mr. Langton, as to forbid him an opportunity of vindicating himself.²⁰⁹

MR. COM. CR. LANDS CAUCHON denied the charge. He was not responsible for what Mr. Casault did.²¹⁰

MR. AT. GEN. J.A. MACDONALD said that the member for Montreal had been inadvertently guilty of a breach of privilege in attributing the motion to the Commissioner of Crown Lands.²¹¹

MR. HOLTON had no intention of making Mr. Casault responsible for the Commissioner of Crown Lands.²¹²

MR. CASAULT persisted in his objection²¹³.

After some further conversation the motion was withdrawn [sic].²¹⁴

Footnotes

1. *Globe*, 19 June 1856.
2. *Ibid.*
3. *Globe*, 19 June 1856, reports that amendments were made to these Bills, "assimilating them to the Bank Bills already passed this session."
4. *Globe*, 19 June 1856.
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Toronto Daily Leader*, 19 June 1856.
9. *Toronto Daily Leader*, 19 June 1856, differs from the *Journals* and reports that Mr. Brown took the chair of the Committee.
10. *Toronto Daily Leader*, 19 June 1856.
11. *Globe*, 19 June 1856.
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Toronto Daily Leader*, 19 June 1856.
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*

21. *Toronto Daily Leader*, 19 June 1856, reports that "Mr. Smith moved the third reading of the Transatlantic Telegraph Company." This information is questionable, as it appears that Mr. Holton took charge of the Bills, such as this one, which were first introduced by Mr. Young. This gentleman obtained a leave of absence on 2 May 1856.
22. *Toronto Daily Leader*, 19 June 1856.
23. *Ibid.*
24. *Globe*, 19 June 1856.
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Globe*, 19 June 1856. *Toronto Daily Leader*, 19 June 1856, does not report the debate that occurred before the House went into Committee of the whole, but it does mention that there was "a great deal of discussion".
31. *Globe*, 19 June 1856.
32. *Ibid.*
33. *Ibid.*
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Globe*, 19 June 1856. This newspaper differs from the *Journals* and reports this motion as an amendment to the motion "that the Report be received". It further states that the amendment was lost, after which the Report of the Committee was received.
50. *Globe*, 19 June 1856.
51. *Ibid.*
52. *Ibid.*
53. *Toronto Daily Leader*, 19 June 1856.
54. *Globe*, 19 June 1856.
55. *Ibid.*
56. *Toronto Daily Leader*, 19 June 1856.
57. *Globe*, 19 June 1856.
58. *Toronto Daily Leader*, 19 June 1856.
59. *Toronto Daily Leader*, 19 June 1856. *Globe*, 19 June 1856, differs from this newspaper and reports that Mr. Felton "spoke in favour of the amendment, and against the original resolution."
60. *Toronto Daily Leader*, 19 June 1856. *Globe*, 19 June 1856, reports some statements by Mr. Rankin which are quite different from the summary in the *Toronto Daily Leader*. It gives the following account: "Mr. Rankin opposed the grant of 4,000,000 of acres to the company, as an excessive one, giving them a monopoly and not ensuring the construction of the line proper. He was decidedly in favour of the amendment of the hon. member for L'Assomption." These statements seem contrary to the opinions expressed by this member during the previous debate on this question (see 17 June 1856). Furthermore, Mr. Rankin voted against Mr. Papin's amendment. It is possible that the statements were wrongly attributed to him.
61. *Toronto Daily Leader*, 19 June 1856.
62. *Ibid.*
63. *Ibid.*
64. *Ibid.*

65. *Toronto Daily Leader*, 19 June 1856.
66. *Globe*, 19 June 1856.
67. *Toronto Daily Leader*, 19 June 1856.
68. *Ibid.*
69. *Globe*, 19 June 1856.
70. *Toronto Daily Leader*, 19 June 1856.
71. *Globe*, 19 June 1856.
72. *Ibid.*
73. *Toronto Daily Leader*, 19 June 1856.
74. *Globe*, 19 June 1856, differs from the *Journals* and reports that "only Messrs. Fellowes, Patrick, Supple, and Yielding" voted in favour of the amendment." *Toronto Daily Leader*, 19 June 1856, only reports that 7 members supported the amendment.
75. Both *Globe*, 19 June 1856, and *Toronto Daily Leader*, 19 June 1856, differ from the *Journals* and report that 68 members voted nay. These sources, however, do not list the division.
76. *Globe*, 19 June 1856.
77. *Toronto Daily Leader*, 19 June 1856.
78. *Globe*, 19 June 1856.
79. *Toronto Daily Leader*, 19 June 1856.
80. *Globe*, 19 June 1856.
81. *Ibid.*
82. *Toronto Daily Leader*, 19 June 1856.
83. *Globe*, 19 June 1856.
84. *Toronto Daily Leader*, 19 June 1856.
85. *Globe*, 19 June 1856.
86. *Toronto Daily Leader*, 19 June 1856.
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. *Globe*, 19 June 1856.
91. *Mackenzie's Weekly Message*, 27 June 1856.
92. *Toronto Daily Leader*, 19 June 1856.
93. *Mackenzie's Weekly Message*, 27 June 1856.
94. *Toronto Daily Leader*, 19 June 1856.
95. *Mackenzie's Weekly Message*, 27 June 1856.
96. *Toronto Daily Leader*, 19 June 1856.
97. *Ibid.*
98. *Ibid.*
99. *Globe*, 19 June 1856, and *Toronto Daily Leader*, 19 June 1856, report the list of members for this division, but their accounts differ from the *Journals*. Firstly, the *Toronto Daily Leader* reports the name of Mr. Biggar instead of Mr. Bellingham in the Yeas, and of Mr. Blanchet instead of Mr. Biggar in the Nays. Both the *Globe* and the *Journals* report that Mr. Biggar voted against the motion. Secondly, the *Globe* reports that the motion was carried "on a division of 56 to 33", but lists 57 names in the Yeas (adding Mr. Felton to the list of the *Journals*), and 34 names in the Nays (adding Mr. Blanchet to the list of the *Journals*).
100. *Toronto Daily Leader*, 19 June 1856.
101. *Ibid.*
102. *Ibid.*
103. *Globe*, 19 June 1856.
104. *Toronto Daily Leader*, 19 June 1856.
105. *Globe*, 19 June 1856.
106. *Toronto Daily Leader*, 19 June 1856.
107. *Globe*, 19 June 1856.
108. *Toronto Daily Leader*, 19 June 1856.
109. *Globe*, 19 June 1856.
110. *Toronto Daily Leader*, 19 June 1856.
111. *Globe*, 19 June 1856.
112. *Ibid.*
113. *Toronto Daily Leader*, 19 June 1856.

114. *Toronto Daily Leader*, 19 June 1856.
115. *Ibid.*
116. *Toronto Daily Leader*, 20 June 1856.
117. *Globe*, 19 June 1856.
118. *Toronto Daily Leader*, 20 June 1856.
119. *Ibid.*
120. *Ibid.*
121. *Globe*, 19 June 1856.
122. *Toronto Daily Leader*, 20 June 1856.
123. *Ibid.*
124. *Globe*, 19 June 1856.
125. *Ibid.*
126. *Toronto Daily Leader*, 20 June 1856. *Globe*, 19 June 1856, which only provides a summary of this part of the speech, reports that Capt. Rhodes specified "he had gone to England to get money from the great capitalists of England to support the scheme, and he was prepared to show that all parties engaged in the scheme at that time in Canada, were actuated by honourable and upright motives."
127. *Globe*, 19 June 1856.
128. *Toronto Daily Leader*, 20 June 1856.
129. *Globe*, 19 June 1856.
130. *Toronto Daily Leader*, 20 June 1856.
131. *Globe*, 19 June 1856.
132. *Toronto Daily Leader*, 20 June 1856.
133. *Globe*, 19 June 1856.
134. *Toronto Daily Leader*, 20 June 1856.
135. *Globe*, 19 June 1856.
136. *Toronto Daily Leader*, 20 June 1856.
137. *Globe*, 19 June 1856.
138. *Toronto Daily Leader*, 20 June 1856.
139. *Globe*, 19 June 1856.
140. *Toronto Daily Leader*, 20 June 1856.
141. *Ibid.*
142. *Globe*, 19 June 1856.
143. *Toronto Daily Leader*, 20 June 1856.
144. *Globe*, 19 June 1856.
145. *Toronto Daily Leader*, 20 June 1856.
146. *Globe*, 19 June 1856.
147. *Toronto Daily Leader*, 20 June 1856.
148. *Ibid.*
149. *Globe*, 19 June 1856.
150. *Toronto Daily Leader*, 20 June 1856.
151. *Globe*, 19 June 1856.
152. *Toronto Daily Leader*, 20 June 1856.
153. *Globe*, 19 June 1856. *Toronto Daily Leader*, 20 June 1856, also reports this statement by Mr. Merritt, but gives figures which appear to be incorrect: "The distance from here to Montreal is 345 miles — from thence to Portland 272 — making a total of 637 miles; while the distance from here to the Atlantic seaboard at New York is only 523 miles, a difference of 113 miles."
154. *Toronto Daily Leader*, 20 June 1856.
155. *Ibid.*
156. *Ibid.*
157. *Globe*, 19 June 1856.
158. *Toronto Daily Leader*, 20 June 1856.
159. *Ibid.*
160. *Ibid.*
161. *Ibid.*
162. *Globe*, 19 June 1856.
163. *Toronto Daily Leader*, 20 June 1856.

164. *Toronto Daily Leader*, 20 June 1856.
165. *Ibid.*
166. *Ibid.*
167. *Ibid.*
168. *Ibid.*
169. *Ibid.*
170. *Globe*, 19 June 1856.
171. *Toronto Daily Leader*, 20 June 1856.
172. *Globe*, 19 June 1856.
173. *Globe*, 19 June 1856. This source specifies that the cries of “question” were “combined with sneezing, kicking of the desks, and a variety of zoological imitations.”
174. *Globe*, 19 June 1856.
175. *Globe*, 19 June 1856. *Toronto Daily Leader*, 20 June 1856, reports that this member “spoke at some length in condemnation of the Grand Trunk scheme, and the part the government took in its construction.”
176. *Toronto Daily Leader*, 20 June 1856.
177. *Globe*, 19 June 1856.
178. *Toronto Daily Leader*, 20 June 1856.
179. *Globe*, 19 June 1856.
180. *Toronto Daily Leader*, 20 June 1856.
181. *Globe*, 19 June 1856.
182. *Ibid.*
183. *Toronto Daily Leader*, 20 June 1856.
184. *Globe*, 19 June 1856.
185. *Ibid.*
186. *Ibid.*
187. *Ibid.*
188. *Ibid.*
189. *Toronto Daily Leader*, 20 June 1856. *Globe*, 19 June 1856, specifies that the motion was lost “without a division”.
190. *Toronto Daily Leader*, 20 June 1856.
191. *Ibid.*
192. *Ibid.*
193. *Ibid.*
194. *Ibid.*
195. *Ibid.*
196. *Globe*, 19 June 1856, and *Toronto Daily Leader*, 20 June 1856, both differ from the *Journals* and report that 62 members voted against the amendment. These sources, however, do not list the division.
197. *Globe*, 19 June 1856, and *Toronto Daily Leader*, 20 June 1856, both differ from the *Journals* and report that the division on this motion was 56 Yeas to 38 Nays, placing Mr. Desaulniers in the Yeas.
Commentaries on this vote and on the debate are reported in *Toronto Daily Leader*, 19 June 1856, and *Mackenzie's Weekly Message*, 20 June 1856.
198. *Globe*, 19 June 1856.
199. *Ibid.*
200. *Ibid.*
201. *Ibid.*
202. *Toronto Daily Leader*, 20 June 1856.
203. *Globe*, 19 June 1856, and *Toronto Daily Leader*, 20 June 1856, report that the House adjourned at a quarter past one.
204. *Globe*, 19 June 1856.
205. *Ibid.*
206. *Toronto Daily Leader*, 19 June 1856.
207. *Ibid.*
208. *Ibid.*
209. *Globe*, 19 June 1856.
210. *Toronto Daily Leader*, 19 June 1856.
211. *Ibid.*
212. *Ibid.*
213. *Globe*, 19 June 1856.
214. *Toronto Daily Leader*, 19 June 1856.

THURSDAY, 19 JUNE 1856

(663)

MR. SPEAKER acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificate: —

Province of *Canada*.

This is to certify, that in virtue of a Writ of Election, dated the twenty-seventh day of May last past, issued by His Excellency the Governor General, and addressed to the Registrar of the County of *Stanstead*, *C.A. Richardson*, Esquire, Returning Officer *ex officio* for the said County of *Stanstead*, for the election of a Member to represent the said County of *Stanstead* in the Legislative Assembly of this Province, in this present Parliament, in the room of the Honorable *Timothy Lee Terrill*, who, since his election as the Representative of the said County of *Stanstead*, had accepted an Office of profit under the Crown, to wit: the Office of Registrar and Secretary of the said Province, by means whereof the seat of the said Honorable *Timothy Lee Terrill* had become vacant, the Honorable *Timothy Lee Terrill* has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the tenth day of June instant, which is now lodged of record in my office.

Office of the Clerk of the Crown in Chancery,
Toronto, 19th June, 1856.

L.R. Fortier,

Deputy Clerk of the Crown in Chancery.

To *W.B. Lindsay*, Esquire,
Clerk, Legislative Assembly, *Toronto*.

The following Petitions were severally brought up, and laid on the table: —

By the Honorable Mr. Attorney General *Cartier*, — The Petition of the Reverend *John Brady* and others, of the Townships of *Buckingham* and *Lochaber*.

By Mr. *Antoine Aimé Dorion*, — The Petition of the *Montreal* and *Bytown* Railway Company.

By Mr. *Mackenzie*, — The Petition of *William McWaters* and others, of the Township of *Binbrook*.

(664)

The Honorable Mr. *Merritt* reported from the Select Committee on the Bill from the Legislative Council, intituled, "An Act to secure to Married Women certain separate Rights of Property," That the Committee had gone through the Bill, and directed him to report the same, without any Amendment.

MR. MERRITT moved the third reading of the bill¹.

[This] was opposed by MR. J.S. MACDONALD and MR. SOL. GEN. D. ROSS [OR] MR. SOL. GEN. H. SMITH, on the ground that the customary practice ought not to be departed from in this instance, several members being opposed to the bill.²

MR. MERRITT strongly denounced the opposition as having a tendency to burk[e] the bill.³

MR. MACDONALD said that the Committee were much divided on this report, and objected to such a hasty proceeding.⁴

MR. MERRITT moved the House into Committee of the whole on the bill forthwith.⁵

MR. AT. GEN. J.A. MACDONALD said he would oppose that motion. In reality there had been no report [at] all. The measure, too, was a very important one, involving as it did the present relations between husband and wife; and as the bill was at present framed, it was decidedly very partial. He thought his hon. friend from Lincoln ought not to press the measure this session. Next session a committee might be struck who should look through the common law of England, on this subject, and enable the House to legislate completely on this subject.⁶

MR. WILSON was sati[s]fied this bill would be beneficial to the country; but he quite agreed with the hon. Attorney General West as to the advisability of making such a measure as complete as possible. The more prudent course would be to leave the measure over till next session, in order to allow hon. gentlemen to understand the merits of the measure, and allow the committee time to make the measure as ample as possible.⁷

MR. MERRITT would persist in his motion of referring the matter to a committee of the whole at once.⁸

MR. FREEMAN said that in his opinion no question could arise which would more completely derange one of the most important laws enacted. He would recommend the House not to go into committee on the subject now.⁹

The House finally went into committee on the bill¹⁰.

(664)

Ordered, That the Bill be committed to a Committee of the whole House.
Resolved, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

MR. CRAWFORD moved that the committee rise.¹¹

MR. AT. GEN. J.A. MACDONALD supported the motion for the committee rising, which was equivalent to destroying the Bill.¹²

MR. WILSON advocated the measure, as necessary for the protection of married women and their children, and not unjust to creditors, as due notice of the new legislation would be given. He believed it would be most acceptable to the people at large, and no complaint of its operation had been made in the State of New York, where the same law had been passed.¹³

MR. FREEMAN was opposed to the Bill. Under the present law, the wife was entitled to maintenance out of the estate of her husband, according to the sphere in which he moved, — he was responsible for all the debts of her contracting, however foolish — and at his death she received one-third of his real estate. If this Bill passed, she would retain all these privileges, being entitled to maintenance by her husband, while at the same time she would keep the control of all her own property, and could dispose of it to her kin or otherwise as she pleased.¹⁴

After some further discussion, the motion for the committee rising was carried by 36 to 21¹⁵. The bill was consequently thrown out.¹⁶

(664)

| and after some time spent therein, Mr. Speaker resumed the Chair.

MR. PROV. SEC. TERRILL, re-elected for Stanstead, was introduced by MR. AT. GEN. CARTIER and MR. AT. GEN. J.A. MACDONALD, and took his seat beside hon. Mr. Lemieux.¹⁷

(664)

Mr. *Crawford*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth: —

Your Committee have taken into their consideration the Bill to incorporate certain persons under the style and title of the *Toronto* and *Georgian Bay* Canal Company, referred to them, and have agreed to several amendments, which they beg leave to report for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate certain persons under the style and title of the *Toronto* and *Georgian Bay* Canal Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

On motion of MR. A. MORRISON,¹⁸

(664)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee¹⁹; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Holton* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Holton* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Mr. *Prévost*, from the Select Committee appointed to inquire into all the transactions of the *Montreal* and *Bytown* Railway Company, from the date of its existence, into the state of its affairs, its resources, and its means; and also, concerning the manner in which the Municipal Council of the County of *Terrebonne* subscribed on behalf of the Parishes of *St. Martin*, *St. Jérôme*, *Ste. Adèle*, and the Township of *Abercrombie*, a sum of Twenty-six thousand pounds to the Stock of the said *Montreal* and *Bytown* Railway Company; concerning the issue of Municipal Debentures in consequence of such subscription; the negotiation of such Debentures, and the acts of the Company; and generally concerning all matters and things relating to that transaction, and other references, presented to the House the Report of the said Committee; which was read.

For the said Report, see Appendix (No. 66.)

Ordered, That the said Report be printed for the use of the Members of this House.²⁰

On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Valois*,

Resolved, That when this House doth adjourn on Friday next, it will adjourn until Saturday at Twelve o'clock, noon, and then adjourn at half-past Three o'clock in the afternoon.

On motion of Mr. *Stevenson*, seconded by Mr. *Bell*,

Resolved, That this House doth concur in the Twenty-first Report of the Standing Committee on Printing.

(665)

On motion of Mr. *Rhodes*, seconded by Mr. *Patrick*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of all Correspondence relative to the charge made by the Commissioner of Crown Lands in his place in Parliament, against the Auditor of Public Accounts.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council.

[On motion of] MR. A. DORION²¹,

(665)

A Bill to incorporate the Society, called "The Union of *St. Joseph*, of *Montreal*," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Antoine Aimé Dorion* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. JOBIN²²,

(665) A Bill to amend the *Lower Canada* Municipal and Road Act of 1855, and to erect *St. Lambert* into a separate Municipality, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to erect *St. Lambert*, opposite the City of *Montreal*, into a separate Municipality."

Ordered, That Mr. *Jobin* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. SOL. GEN. H. SMITH²³,

(665) A Bill to cancel so much of the Letters Patent setting apart certain Lands for the endowment of a Rectory in the Township of *Warwick*, as regards lot number twenty-five in the first Concession South of *Egremont* Road in the said Township, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to cancel part of the Letters Patent for the endowment of a Rectory in the Township of *Warwick*."

Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. AT. GEN. J.A. MACDONALD²⁴,

(665) A Bill to alter the Survey of that part of the third Concession of *Onondaga*, commonly called "*Martin's Bend*," and to confirm a new Survey thereof, and for other purposes, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to alter the Survey of that part of the third Concession of the Township of *Onondaga*, commonly called '*Martin's Bend*,' and to confirm a new Survey thereof, and for other purposes."

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to naturalize *Alfred Faulkenberg*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to naturalize *Alfred Falkenberg*."

Ordered, That Mr. *Antoine Aimé Dorion* do carry the Bill to the Legislative Council, and desire their concurrence.²⁵

The Order of the day for the third reading of the Bill to admit *Hewitt Bernard* to practise as an Attorney and Solicitor in the Courts of Law and Equity in *Upper Canada*, being read;

(666) The Honorable Mr. Attorney General *Macdonald* moved, seconded by the Honorable Mr. *Cayley*, and the Question being proposed, That the Bill be now read the third time;

Mr. *Jean Baptiste Eric Dorion* moved in amendment to the Question, seconded by Mr. *Jobin*²⁶, That all the words after "Bill" to the end of the Question be left out, and the words "be amended by leaving out all the words after 'Whereas' and inserting instead thereof the words 'it is expedient that all *British* subjects should be placed upon a footing of equality before Courts of Justice in *Canada*, and that no privilege should be granted to any class of society; and whereas free competition in the practise of the Law would greatly tend to the advantage of the People of this Province, by holding forth inducements to study and understand the Laws, and by allowing them to make a free choice of their Counsel in all classes of society; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of *Canada*, enacts as follows: —

'1. From and after the passing of this Act, it shall be lawful for every Elector in the Country to practise and plead in all Courts of Justice in this Province, and to enjoy all the rights and privileges enjoyed by Advocates, Solicitors, Attorneys, and other individuals belonging to the Legal Profession.

'2. This Act shall be a public Act.' "

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Jean B.E. Dorion, Hartman, Jobin, Mackenzie, Marchildon, Papin, Poulin, Valois, and Wright*. — (10.)

NAYS.

Messieurs *Alley, Bellingham, Bowes, Brown, Burton, Attorney General Cartier, Casault, Cauchon, Chabot, Crawford, Delong, Desaulniers, Evanturel, Ferres, Thomas Fortier, Gamble, Laporte, Lemieux, Macbeth, John S. Macdonald, Attorney General Macdonald, McCann, Mongenais, Munro, Patrick, Solicitor General Smith, James Smith, Somerville, Spence, Stevenson, and Terrill*. — (31.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the Courts of Queen's Bench, Common Pleas, and Chancery in *Upper Canada*, to admit *Hewitt Bernard* to practise as an Attorney and Solicitor therein."

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.²⁷

A Bill to authorize the Courts of Queen's Bench, Chancery, and Common Pleas, to admit *Benjamin Walker* to practise as an Attorney and Solicitor therein respectively, was, according to Order, read the third time.

The Honorable Mr. Attorney General *Macdonald* moved, seconded by the Honorable Mr. *Cayley*, and the Question being put, That the Bill do pass, and the Title be, "An Act to authorize the Courts of Queen's Bench, Chancery, and Common Pleas, in *Upper Canada*, to admit *Benjamin Walker* to practise as an Attorney and Solicitor therein respectively;" the House divided: — And it was resolved in the Affirmative.²⁸

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

(667)

Mr. [J.] Morrison's bill to admit Geoffrey Hawkins as an Attorney, was then moved for a third reading.²⁹

MR. MACKENZIE moved in amendment, that it be Resolved, that all British subjects, competent to learning and of good character, be allowed to practice in the several courts of law and equity in Canada.³⁰

The motion was lost, the hon. gentleman not being able to get a seconder.³¹

(667)

A Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, for *Upper Canada*, to admit *Geoffry Hawkins* to practise as an Attorney and Solicitor therein respectively, was, according to Order, read the third time.

The Honorable Mr. Attorney General *Macdonald* moved, seconded by the Honorable Mr. *Cayley*, and the Question being put, That the Bill do pass, and the Title be, "An Act to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, for *Upper Canada*, to admit *Geoffry Hawkins* to practise as an Attorney and Solicitor therein respectively;" the House divided: — And it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the Court of Chancery and Courts of Queen's Bench and Common Pleas, in *Upper Canada*, to admit *Thomas Wright Lawford* to practise as a Solicitor and Attorney, was, according to Order, read the third time.

The Honorable Mr. Attorney General *Macdonald* moved, seconded by the Honorable Mr. *Cayley*, and the Question being put, That the Bill do pass, and the Title be, "An Act to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas, in *Upper Canada*, to admit *Thomas Wright Lawford* to practise as a Solicitor and Attorney;" the House divided: — And it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. J. SMITH³²,

(667)

A Bill to separate the County of *Victoria* from the County of *Peterborough*, and to fix the County Town at *Lindsay*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to provide for the separation of the County of *Victoria* from the County of *Peterborough*, and to fix the County Town at *Lindsay*."

Ordered, That Mr. *James Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the *Waterloo* and *Saugeen* Railway Company, was, according to Order, read the third time.

Mr. *Foley* moved, seconded by Mr. *Frazer*, and the Question being put, That the Bill do pass, and the Title be, "An Act to incorporate the *Waterloo* and *Saugeen* Railway Company;" the House divided: — And it was resolved in the Affirmative.

Ordered, That Mr. *Foley* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. AT. GEN. J.A. MACDONALD³³,

(667)

A Bill for the protection of property lying on the shore of Lake *Ontario*, in the Counties of *York*, *Peel*, and *Halton*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act for the protection of persons owning Lands on the shore of Lake *Ontario*, in the Counties of *York*, *Peel*, and *Halton*."

Ordered, That Mr. *Chisholm* do carry the Bill to the Legislative Council, and desire their concurrence.

(668)

A Bill to incorporate the *British Bank of Canada*, was, according to Order, read the third time.

Mr. *Bowes* moved, seconded by Mr. *Crawford*, and the Question being put, That the Bill do pass, and the Title be, "An Act to incorporate the Colonial Bank of *Canada*;" the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Alleyn*, *Bellingham*, *Bowes*, *Brown*, *Burton*, Attorney General *Cartier*, *Cauchon*, *Chabot*, *Crawford*, *Desaulniers*, *Jean B.E. Dorion*, *Dostaler*, *Evanturel*, *Foley*, *Thomas Fortier*, *Frazer*, *Gamble*, *Gill*, *Hartman*, *Laporte*, *Lemieux*, *Macbeth*, *John S. Macdonald*, Attorney General *Macdonald*, *Roderick McDonald*, *McCann*, *Mongenais*, *Munro*, *Papin*, *Patrick*, *Polette*, *Poulin*, Solicitor General *Smith*, *James Smith*, *Somerville*, *Spence*, *Stevenson*, *Terrill*, and *Wright*.

— (40.)

NAYS.

Messieurs *Mackenzie*, and *Marchildon*. — (2.)

So it was resolved in the Affirmative.³⁴

Ordered, That Mr. *Bowes* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to consolidate and amend the Acts constituting the Charter of the Bank of *Upper Canada*, was, according to Order, read the third time.

Mr. *Gamble* moved, seconded by Mr. *Bowes*, and the Question being put, That the Bill do pass, and the Title be, "An Act to amend and consolidate the Acts forming the Charter of the Bank of *Upper Canada*;" the House divided: and the names being called for, they were taken down, as in the last preceding division.

So it was resolved in the Affirmative.

Ordered, That Mr. *Gamble* do carry the Bill to the Legislative Council, and desire their concurrence.³⁵

A Bill to continue for a limited time the several Acts and Ordinances therein mentioned, was, according to Order, read the third time.

Mr. Solicitor General *Smith* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being put, That the Bill do pass, and the Title be, "An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes;" the House divided: — And it was resolved in the Affirmative.

Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

On the motion of MR. WRIGHT,³⁶

(668) The House, according to Order, resolved itself into a Committee on the Bill to amend the Act to enable Ministers of the Evangelical *Lutheran* Church in this Province to solemnize Matrimony and to keep Registers of Marriages, Baptisms, and Burials; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Thomas Fortier* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

(669) The Order of the day for the second reading of the Bill to settle the northern boundary line of the City of *Toronto*, being read;

On motion of MR. BOWES,³⁷

(669) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to erect part of the Township of *Chatham*, in the County of *Argenteuil*, into a separate Municipality, being read;

On the motion of MR. BELLINGHAM,³⁸

(669) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the 71st Rule of this House be suspended as regards the said Bill.

A Message from His Excellency the Governor General, by *René Kimber*, Esquire, Gentleman Usher of the Black Rod: —

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Legislative Council Chamber;

And being returned:

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public and Private Bills³⁹: —

An Act to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a Macadamized Road.

An Act to vest certain Road allowances in the Township of *Brantford*, in *George S. Wilkes*.

An Act to amend the Charter of the *Ontario, Simcoe, and Huron* Railroad Union Company.

An Act to authorize the Municipal Council of the Town of *Chatham* to dispose of the Land now set apart for a Cemetery in the said Town.

An Act to vest a certain Road allowance in the Township of *Stamford*, in the Town Council.

An Act to authorize *William Weller* to hold and convey the *Canada* Grand Trunk Telegraph Line.

An Act to make better provision for promotion of Superior Education and the establishment and support of Normal Schools in *Lower Canada*, and for other purposes.

An Act to facilitate the examination of Candidates for admission to the Notarial Profession in *Lower Canada*.

An Act to legalize a certain School Assessment in the Parish of *St. Christophe d'Arthabaska*.

An Act to render the Mayor of *Quebec* elective by the Electors of *Quebec*.

An Act to amend, repeal, and consolidate the provisions of certain Acts therein mentioned, and to simplify and expedite the proceedings in the Courts of Queen's Bench and Common Pleas in *Upper Canada*.

An Act to confirm the partition made by the Trustees of the Will and Codicils of the late *Anne Powell*, of the Real Estate of the late Honorable *William Dummer Powell*, and for the appointment of new Trustees, and for other purposes.

An Act to amend the Act to incorporate the *Quebec* and *St. Francis* Mining and Exploring Company.

An Act to incorporate the *Victoria* Mining Company.

(670) An Act to incorporate the *Canada* and *Liverpool* Mining and Exploring Company.

An Act to amend the Act authorizing Disinterments in certain cases, in *Lower Canada*.

An Act to incorporate the Town of *Clifton*.

An Act for the construction of Water Works in the City of *Hamilton*.

An Act to extend the provisions of the Act to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Companies.

An Act to authorize the Mayor, Aldermen, and Citizens of the City of *Montreal*, to borrow a sum of Fifty thousand pounds for the purpose of completing the New Water Works in the City of *Montreal*.

An Act to enable the Churchwardens of *St. George's* Church in the Town of *St. Catharines*, to sell and convey four acres of Land originally purchased "as a site for a Parsonage," and for other purposes.

An Act to amend the Act of Incorporation of the *Woodstock* and *Lake Erie* Railway and Harbour Company.

An Act to amend and consolidate the several Acts incorporating and relating to the Bank of *Montreal*.

An Act to authorize *Henry Augustus Fitzgerald McLeod* to practise as a Provincial Land Surveyor.

The *Lower Canada* Judicature Amendment Act of 1856.

An Act to amend the Act to provide for the better organization of Agricultural Societies in *Lower Canada*, and for other purposes connected with Agriculture in *Upper* and *Lower Canada*.

An Act to vest a certain allowance for Road in the Township of *South Dumfries*, in the County of *Brant*, in *Horace Capron* and *Myron Ames*.

An Act to amend the Act for incorporating Library Associations and Mechanics' Institutes.

An Act to provide for the execution of the Office of Speaker of the Legislative Assembly in certain cases.

An Act to encourage Shipbuilding within this Province.

An Act to amend the Act establishing Mutual Fire Insurance Companies in *Lower Canada*.

An Act to incorporate the Town of *Sarnia*, in the County of *Lambton*.

An Act for the suppression of Lotteries.

An Act to incorporate the *London* and Grand Trunk Junction Railway Company.

An Act for enabling all the Chartered Banks in this Province to enjoy a certain privilege therein mentioned.

An Act to provide for the separation of the County of *Peel* from the County of *York*.

An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates and Property therein described, now vested in the Principal Officers of Her Majesty's Ordnance, and for vesting other part of the Ordnance Estates and Property therein described, in Her Majesty the Queen, for the benefit, use and purposes of this Province.

An Act to set off part of the County of *Chicoutimi* as a separate Municipality, and to render valid certain Elections in the Townships therein mentioned.

The Seigniorial Amendment Act of 1856.

An Act to amend the Militia Law.

An Act to authorize a Survey of the Broken Front Concession of the Township of *Darlington*, and for other purposes.

An Act to provide more effectual means for securing the payment of constituted rents and life rents.

An Act to amend the Act for the qualification of Justices of the Peace.

(671) An Act to impose an additional Excise Duty on Spirits.

The Bill, intituled, "An Act to enable Members of the United Church of *England* and *Ireland* in *Canada*, to meet in Synod," being then read;

It was His Excellency the Governor General's pleasure to say, that he reserved the Bill for the signification of Her Majesty's Pleasure thereon.

MR. SICOTTE the SPEAKER took the chair about 8 o'clock⁴⁰.

The adjourned Debate was resumed on Mr. Ferres' motion, "That the Report of the Committee on certain charges made against Mr. George Brown, be now received," and on Mr. Wilson's amendment thereto, and on Mr. Felton's amendment to that of Mr. Wilson.⁴¹

(671)

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Monday last, proposed to be made to the proposed Amendment to the Question, That the Report of the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House, be now received; and which Amendment was, That all the words after "That" to the end of the Question be left out, and the words "the evidence adduced before the said Committee completely fails to substantiate any of the charges against Mr. *Brown*" inserted instead thereof; and which Amendment to the said proposed Amendment was, That the words "while Mr. Attorney General *Macdonald* appears to have acted under a firm conviction of the truth of the charges made against Mr. *Brown*, and to have been justified in so doing by all the evidence then within his reach, yet that" be inserted before the words "the evidence;"

And the Question on the Amendment to the said proposed Amendment being again proposed: — The House again resumed the said adjourned Debate.

MR. A. DORION addressed the House in French.⁴² He contended that this question was one of the most important of the session, inasmuch as it seriously affected the character of one of the members of that House, and thereby the dignity of the whole House.⁴³ Having recalled to the recollection of members, the circumstances under which the charges sent to the Committee were brought by the Attorney General against Mr. Brown, he read the charges, and said it was the duty of the Committee to report that Mr. Brown was either guilty or not guilty on them; but they had done nothing of that kind. They had failed to express any opinion on that point, the only one actually for the Committee to adjudicate on⁴⁴, but had reported certain assertions or in(n)uendoes, leaving the House and the public to infer his guilt in some regards. He then went over the several heads of accusation, following the line of argument adopted by Mr. Wilson, contending that the evidence utterly failed to establish any of them.⁴⁵ Taking up the

question of culpability on those charges, he could not believe, that Mr. Macdonald was borne out in any case in the charge of falsifying evidence. That charge appeared to have been founded on an alleged difference between the written testimony and the printed Report, but it appears that the extracts of evidence given in the printed Report were all decided on by the Commissioners together. Mr. Brown, therefore, was not responsible for those extracts, the responsibility being equally borne by all the Commissioners. As to the charge of subornation of perjury there was not a single word in the evidence which bore out that charge. The fact of two prisoners who had given evidence against Mr. Smith being pardoned, had strangely enough been dwelt upon by the Committee, as if it bore out in any degree that charge, or that of having procured the pardon of murderers and convicts to induce them to give evidence. Now the fact was, that one of these convicts (DeBlois) was a Notary, a man allied to some of the principal families in Lower Canada, and almost of necessity a very great deal of interest was exerted by his family and connexions to obtain his pardon. Accordingly a petition for his pardon, signed by twelve priests, was sent to the Government. That petition was sent by the Government to the Commission to report on it, and the latter recommended that his pardon should not be given to him while still giving evidence. Then the other man, "Cameron," had been recommended for pardon by the Warden of the Penitentiary himself, and only received his pardon two years and a half or three years after the Commission had ceased to sit. It was then extraordinary that the Committee should have referred in any manner to these two circumstances, as if they bore out the charges at all. The report of the Committee was so worded as to compel the House to arrive at the conclusion, that Mr. Brown ought to have been wholly exonerated⁴⁶. The report itself went to show that Mr. Brown was not guilty, for it expresses a regret that Mr. Macdonald should have used the expressions containing the charges. If these charges were true, he ought not only to have brought them forward, but to have taken steps to have Mr. Brown expelled from the house.⁴⁷ But not only this, but the Solicitor General West in the speech that he delivered the other evening (with a good deal of warmth) although he attacked the Commission vigorously for having done injustice to the late warden of the Penitentiary, never made a single accusation against Mr. Brown by name. The communication made by Mr. Lesslie, the Provincial Secretary, acknowledging the receipt of the report of the Commission, testified the satisfaction of the Executive Council with the manner in which the Commission had performed its duties, and concluded by stating that the Council conceived it to be its duty to examine the complaints made by Mr. Smith, and after a careful examination of the various subjects brought before it by that gentleman, was satisfied that the Commission had discharged its duties in the most impartial manner. The proof that the Government was sincere in expressing this opinion was that the warden of the Penitentiary was dismissed on the report of the Commissioners. That Commission was composed of gentlemen against whose character it would be impossible to advance a single well founded charge; and the confidence entertained in them had been proved by the employment of some of those gentlemen since in various positions of trust and importance. For the reasons he had stated he was disposed to support the amendment moved by Mr. Wilson, for he felt it would be the greatest injustice to Mr. Brown to allow the report presented by the committee to remain on the journals.⁴⁸

MR. CHABOT agreed with the previous speaker about the gravity of the matter under consideration. It was a matter with which they had to deal rather in the capacity of judges or jurors than as party politicians.⁴⁹ [He] thought that when a Committee had presented a report, the House had a right to the reasons why that report should not be received. Now the amendment of the hon. member for London was that the House should not receive the report, and called on the House to express a direct opinion declaring the innocence of Mr. Brown, whilst the amendment of Mr. Felton stated that Mr. Macdonald conceived himself justified in making those charges; but that there was no proof of their truth. The question was whether the evidence would bear out the charges.⁵⁰ He had read all the evidence, and re-read the more important portions of it, to arrive at an impartial conclusion respecting it.⁵¹ That evidence was given by two witnesses — Mr. Smith and Mr. Hopkirk, a gentleman who, when he appeared before the Commission, quarrelled so fiercely with Mr. Brown, that it was necessary for the President of the

Commission to interfere. Now, he (Mr. Chabot) was not satisfied with evidence of that character, neither did he wish to treat it with such indignity as to vote for Mr. Wilson's amendment.⁵² With respect to the two latter charges, the subornation of perjury and the pardon of convicts for evidence given against the Warden, he did not think there was a shadow of proof against Mr. Brown. With respect to the others, the falsification of evidence, &c., he thought there was some evidence, but not of a satisfactory character. If the evidence as given in the report was returned to the government as the evidence taken there was ground, but if only as a *p[r]écis*, it was not by any means clear. With respect to the charge that the evidence had not been taken down as the witnesses gave it, it was very hard to say that the charge was satisfactorily proved. Any one accustomed to take evidence at *enquête* would know the difficulties constantly arising between witnesses and clerks about the mode of taking down their evidence; the clerk or lawyer dictating it not understanding the words used in the same way. If Mr. Brown had been guilty of taking down the evidence unfairly, Mr. Arnoit, who presided, and was said to have interfered to prevent it, should have been summoned to give his evidence. On the whole, he was bound to say that he conceived none of the charges had been made out against Mr. Brown. But it was undoubted that there was a rumor abroad, — assertions had been made on which the Attorney General had unfortunately in a hasty moment based his accusations. He should therefore vote for Mr. Felton's motion in amendment⁵³; that motion exactly bore out his (Mr. Chabot's) opinion.⁵⁴ Now they had only to consider whether the report should be received. He would vote for its reception, but when the motion was made for its confirmation he should vote for the amendment. He did not think there were two lawyers in the house who would say that Mr. Brown was guilty. He thought it almost unreasonable that the French members in the house, who did not understand English, being called upon to decide upon the report before it had been placed in their hands in a language they understood; but as he perfectly understood the English report, he would not raise the objection himself.⁵⁵

DR. T. FORTIER called the attention of the Speaker to a question of order. He desired to know whether the French members of the House who did not understand English, would be called on to express an impartial opinion on proceedings which were printed in a language which they did not understand. He therefore insisted that all the documents connected with the Committee be printed in French, and called on the Speaker to stop the discussion until the rule of the House was complied with.⁵⁶

MR. A. DORION of Montreal said the effect of sustaining this objection would be to throw the matter over until the next session.⁵⁷

MR. BUREAU also contended that while all these papers should be laid before them in French, yet owing to the injustice to Mr. Brown, this ought to be made an exceptionable case.⁵⁸

MR. SICOTTE the SPEAKER said that the hon. member's objection was too late. The house, with the knowledge that the report had not been translated, had ordered the consideration of the question to be proceeded with.⁵⁹ The hon. gentleman had, however, the power to test the sense of the House as to the propriety of postponing the debate until the evidence was printed in the French language.⁶⁰

After a few remarks from DR. T. FORTIER, the subject dropped.⁶¹

MR. BROWN then rose and said: I confess, Mr. Speaker, I rise to address the house under feelings of no ordinary embarrassment. To be compelled to defend yourself on the floor of the national Legislature, with the eyes of the world upon you, from charges which, if true, must not only be ruinous to your moral character, but make you amenable to the criminal laws of your country — is a position from which the boldest heart might shrink. Sir, I do not attempt to conceal from myself the deep importance of the issue now before this house. I have never concealed from myself, from the hour when these charges were launched at me by the highest law officer of the Crown in this Province, that my whole character as a

man and a Christian, my future position among my fellow men, my social happiness for all the remainder of my life were at stake, on the falsity of those frightful charges being clearly and undeniably established before the world. And if, sir, it were possible to add to the embarrassment which the magnitude of the personal issue must create — it is the reflection that the characters of four colleagues, men of the highest standing and respectability, are at stake on the result. (Hear, hear.) True, sir, the charges of the Attorney General were levelled at me and me only — but the report of the majority of the committee is directed against the proceedings of all five Commissioners; they have dared to find guilty of criminal acts, men who were never assailed, who have enjoyed no opportunity of defence, who did not even know they were upon trial. (Hear, hear.) Yes, Mr. Speaker, I perfectly comprehend in all its momentous importance the true position I now occupy; and I only wish that all the members of this house could be aroused to the grave nature of *their* responsibility in the matter. Sir, I cannot refrain from saying that this question has not been treated by gentlemen opposite in that fair and candid spirit which it ought to have commanded; aye, Sir, and would have commanded in the pettiest court of the realm. (Cheers.) Had this charge been one of the least criminal recognizable by our courts of justice, — had the Attorney General and his select committee men stood before even a police-court as prosecutors against me, far less as jurymen — I ask, would such language as we have heard from them — such rancorous hostility as they have manifested in this case — have been tolerated for a moment? (Hear, hear.) Nor, Sir, can I close my eyes to the fact that political partizanship in this matter may unhappily be looked for in other quarters than that to which I have pointed. I am free to say that when I look around these benches, and mark how many seats are vacant, and when I note the political leanings of the usual tenants of those vacant seats, my faith in the impartiality of the verdict of this house is rudely shocked. (Hear, hear.) Sir, it was well known that this matter was to come before the house to-night; it was well known that the accused was to defend himself; and I do think that men who are about pronouncing a verdict on a fellow member, involving all that is worth prizing in this world — his honour and his fame — was at least entitled, political opponent though he be, to the common decency of a patient hearing. (Loud cheers.) Sir, I will not anticipate such a scene, but if it could be possible that the tenants of these empty benches who have thus markedly absented themselves from the discussion, were to come back here at the midnight hour, and without having heard one word of my defence, perhaps without having read one word of the evidence, were to vote away my character as an everyday party question — then I do say that such an exhibition was never equalled in — (Loud cries of Hear, hear.)⁶²

MR. SICOTTE the SPEAKER. — The hon. gentleman has no right to impugn the motives of any member.⁶³

MR. BROWN. — Sir, I trust no member of this house may, by his conduct in this matter, bring his motives into question — but when I know that *many* members have *avowed* their intention to make this a party question — when I have been told by more than one *honourable* gentleman that they knew there was not a shadow of truth in the charges brought against me, but they must go with their party — (Sensation) — when I know that hardly one of my hon. friends who sit around me but has been applied to ... pair off — yes, Sir, to pair off on my guilt or innocence — before I had been heard in my defence — (Loud cries of hear, hear) — I do think I may well be pardoned, even if the utterance of such facts may impugn the motives of such upright Judges. (Hear, hear.) Was this a question for honourable men to pair off upon? May an honourable man pronounce me guilty of heinous crime, perhaps ruin me for life, without having heard a word of my defence? — nay, Sir, deprive me of the verdict of another Judge that I was innocent, that he might go dancing on the bay.⁶⁴ (Hear, hear.) Was not this a question, if there ever was one, to the consideration of which every member was bound to have come with the solemn resolution to dismiss prejudice, and give a verdict according to his conscience — *guilty or not guilty*? (Hear, hear.) Guilty or not guilty — that is the question. I am here to-day to show not only that the Attorney General has failed to establish his charges — not only that there was not a shadow of truth to

justify him in making them — but that the whole accusation and the process by which it has been sought to sustain it, was a villanous conspiracy to ruin my character and drive me from political life. (Cheers.) I am not here as has been averred, claiming that my private acts as an individual, may alone be discussed — there is nothing I more earnestly desire than that every act of the Penitentiary Commission may be sternly inquired into. Still less am I here, as has been basely stated by the Attorney General, seeking to screen myself from individual responsibility by throwing the blame of what was done upon my colleagues. I am here to avow that for every act of that commission I am individually responsible. I am here to show that not a shadow of indiscretion, far less of dishonour, rests on any proceeding of that Commission. I am here on behalf of my colleagues and myself, to claim credit from the people of Canada for the efficient, and upright, and successful manner in which we discharged the important trust committed to us. (Hear, hear.) That the house may have a clear understanding of the merits of the whole case, it will be necessary for me to go back to the occurrences from which the Penitentiary inquiry sprang. In this I shall but follow the example of the Solicitor General. The hon. gentleman said his “respected father,” had been maligned and hunted down by the Commissioners, — had been unjustly dismissed, — and on this broad ground he appealed to the house to sustain the verdict of the majority of the committee. Before discussing, then, the proceedings of the committee and their report, I ask the attention of the house to the proceedings of the Commission, out of which the present charges arose — and brief as the glance at them must be, I think I can make the cause of my being so virulently assailed, sufficiently obvious to every one who hears me. The Solicitor General said there never had been any charges brought against the Warden of the Penitentiary, that no complaints had ever been made against him to the Government, until we went there. This is an entire mistake; for ten years before our Commission issued, the records of the Institution, bear testimony that the complaints were loud and continual against the management. The Provincial Penitentiary had its origin in a resolution of the House of Assembly of Upper Canada, in the year 1832. The Hon. John Macaulay and Mr. Hugh C. Thomson, were appointed to make enquiry as to the best manner of establishing such an institution. These gentlemen went to the United States, to inspect the penal establishments of our neighbours, and at Auburn they met a person named Powers, who had had considerable experience in the management of such institutions. With the aid of this gentleman, they reported a Penitentiary system to Government, which was adopted; and in 1833, a Bill was passed for the erection of the Penitentiary. The first Board of Inspectors appointed (in 1834) consisted of C.W. Grant, John Macaulay, John S. Cartwright, Alexander Pringle, and W.H. Gray, Esquires; and on their assembling, Mr. Henry Smith, who had been one of the Building Commissioners, was made Warden at a salary of £200 per annum. Mr. Smith did not know anything of Penitentiary matters, but was intended to conduct the business affairs of the institution; and Mr. Powers, as an experienced Penitentiary officer, was appointed Deputy Warden, in 1835. In that year, five convicts arrived. From the very outset of the institution, quarrels of the most violent character prevailed within the walls. Mr. Smith claimed to be the *factotum* of the establishment, — he would be the entire master, and evidently regarded Mr. Powers with the keenest jealousy. Constant disputes arose between them, the Inspectors almost invariably taking the side of Mr. Powers. Complaints by one or other of these officers against the other were continually before the Board, and as early as July, 1839, the state of the institution was brought under the notice of the Government with a view to the issuing of a Commission of investigation. In urging this on the Lieut.-Governor, Mr. Nickalls, the President of the Board of Inspectors, wrote: — “I am convinced that should the Institution unfortunately lose the services of the Deputy Warden (Mr. Powers) before the system is more matured and established on a firmer basis, the experiment of the Penitentiary as a means of punishment in Upper Canada will prove a failure.” And, Mr. Speaker, I call the attention of the house to this fact, that so early as 1839, formal charges of *peculation*, neglect of duty, mismanagement, and other serious offences were preferred against Mr. Warden Smith, and a day fixed for his standing his trial before the Board of Inspectors. (Hear, hear.) But before the day of trial arrived, Mr. Smith, by private management and influence with the Government, succeeded not only in having the charges smothered up, but in getting Mr. Powers removed from the Institution. He brought a charge

against Mr. Powers that not being a British subject but an alien, he had leant towards the parties implicated in the rebellion, and had shown favour to some of them who were confined in the Penitentiary. By this means he succeeded in getting Mr. Powers removed, but with a *solatium* of £300. He had also influence sufficient to have all the Inspectors removed with the exception of Mr. Grant. The new Board was appointed in 1840, and consisted of Thomas Kirkpatrick, C.W. Grant, A. McDonell, A. Manahan, Henry Sadleir, and J.B. Marks, Esqrs. In 1841 a new Deputy Warden — Mr. Edward Utting — was appointed in the room of Mr. Powers — but no sooner was this done than disputes broke out between the Warden and his Deputy. From the time of Utting's installation, he and Mr. Smith, the Warden, were at constant war. Charges were brought by the one against the other — constant references were made to the Board, and the Board almost uniformly decided in favour of Utting and against Smith. This went on during the whole time Utting was in the Penitentiary. At length, as the result of a complaint by the Warden against his Deputy, the Warden had to write a letter to the Government, explaining the discord which existed between them — and in that letter he made a deliberate falsification of the facts of the case. Acting on that false letter, the Government authorized the dismissal of Utting. About the same time an Act was quietly passed through the Legislature, by the influence of the Warden's son, now the Solicitor General, seriously affecting the management of the prison, but without a single member of the Board of Inspectors being consulted in regard to it. Not one of them knew of it till the Bill was passed. This Act largely increased the Warden's salary, while it reduced the salaries of the Chaplain, Deputy Warden, Clerk, and Architect. It also abolished the office of Deputy Warden, and created in its room a Head-keepership. The Inspectors learning that all this had been done at the instance of the Warden, indignantly resigned, and from that hour the Smith rule in the prison was without check or restriction. A new Board was appointed, on 31st of October, 1846, consisting of Mr. Sheriff Corbett, Mr. James A. Macfarlane, Mr. George W. Yarker, and Dr. George Baker. Shortly afterwards Mr. James Hopkirk was added to the number, and a vacancy caused by the death of Mr. Macfarlane was filled by Mr. Henry Gildersleeve. Mr. Yarker also died soon after his appointment. The principal Inspector, from the day of his installation, was Mr. James Hopkirk; he was the intimate friend of the Smiths, and the Solicitor General was then and is now one of his two sureties as Collector of Customs for Kingston. The minutes and correspondence were mainly, if not entirely, drawn up by him. All the notes of evidence were taken down by him. He was the party who guided the Institution, who was the right hand of the Warden, when the worst of the transactions occurred that I am about to lay before the house. Without his active or passive acquiescence the enormities practised within the walls could not have existed. Utting, as I have stated, having been removed, the first act of the new Board was to appoint in his room, Mr. Thomas Costen, a mere creature of the Warden. This man, who from a common guard, and not much at that, had been made kitchen-keeper of the institution, with £4,000 or £5,000 of public property passing annually through his hands, was now raised to be Assistant Warden, for which he had not one qualification, moral or intellectual. And who was put in *his* place as kitchen-keeper? Why Mr. Francis W. Smith, son of the Warden, and brother of the Solicitor General! To show the character of this appointment, as the Solicitor General has referred to it, I will now read from the evidence adduced before the Commission. And first I will read from that of Mr. Henry Sadleir, a member of the Kirkpatrick Board of Inspectors: —

“The character of Francis W. Smith was very bad at the time he was appointed Kitchen-keeper of the Penitentiary, in 1846; he was Deputy Sheriff previous to his appointment. When Mr. Utting was removed from the Deputy Wardenship, Mr. Sheriff Corbett canvassed witness to vote for Francis W. Smith, as Utting's successor. Witness asked how Smith would take such a situation, when he had one so much better in the Deputy Sheriffship? Mr. Corbett then told witness that he had turned him (Smith) away from his office the day before; that he could get neither money nor papers from him; and that he (Smith) was ‘a d——d rascal,’ or some such opprobrious term; and that he was then on his way to Smith's house, to try to get up some papers out of his hands.”

Yet this was the person appointed to be the kitchen-keeper of the institution, with public property to the amount of £4,000 or £5,000 a year passing through his hands!⁶⁵

MR. SOL. GEN. H. SMITH. — I hope the hon. member will read the rest of the evidence on that point.⁶⁶

MR. BROWN. — I was just going on to do so. The Sheriff was called in, and asked about the statement he had made to Mr. Sadler. He said this —

“Witness was present at the meeting of the Inspectors when Frank Smith was appointed Kitchen-keeper; it was the first meeting of the present Board; witness never said to Major Sadler that Frank Smith was ‘a d——d rascal;’ never used any such words; recollects Frank Smith telling witness that he was applying for the Deputy Wardenship of the Penitentiary, or some other situation in it, and that he was promised the votes of some of the Inspectors. Witness met Major Sadler shortly after, and asked him about it; the Major knew nothing of it, witness thinks; witness told Major Sadler that he would be very glad if Frank Smith got an appointment in the Penitentiary, as he saw too much loose company in connection with the business of the Sheriff’s office, and he thought if he were under his father’s eye, he would do better.”

Yes, sir, Mr. Frank Smith was brought into the Penitentiary to be under his father’s eye, “in the hope that he might do better,” and the gentleman who gives this evidence was one of the inspectors who appointed Smith — he is Sheriff of Frontenac, the county represented by the Solicitor General, and if I rightly recollect, the hon. gentleman is his security.⁶⁷

MR. AT. GEN. J.A. MACDONALD. — I am his security.⁶⁸

MR. BROWN. — Ah! I knew it was in the family. Sheriff Corbett, when cross-examined by the Commissioners, went on —

“Frank Smith ceased to be Deputy Sheriff of the Midland District, on account of irregular conduct; he had ceased to hold the situation previous to his appointment in the Penitentiary; he became careless of his duties, and staid away from the office, giving as a reason that he was about to get a situation in the Penitentiary. Clute and Frank Smith were for some time in partnership in the Deputy Sheriffship.” . . .

“Frank Smith is in witness’s debt, independent of loss by escapes; witness claims from Clute and Smith £800 for money, had and received, FALSE RETURNS, and escapes; the escapes were about £200.”

Here we have the distinct statement that Mr. Frank Smith left the Sheriff’s office £800 in debt for FALSE RETURNS and escapes; and yet this Sheriff who discharged him for these offences appointed him kitchen-keeper of the Penitentiary with \$20,000 or \$25,000 a year passing through his hands.⁶⁹

MR. SOL. GEN. H. SMITH. — Not a shilling.⁷⁰

MR. BROWN. — The cash did not pass directly through his hands but he made the purchases, he had charge of the stores, he expended them, and I shall presently show the systematic peculation which grew out of his appointment. I mention these matters to show the depth of moral degradation to which the management of the institution had reached, and because the appointment of Mr. Frank Smith and his fiendish proceedings within the walls brought matters to a climax, and effectually arrested public attention. This man had not been long in the Penitentiary before acrious charges were made against him by the Surgeon of the institution, Dr. Sampson. An enquiry was ordered by the Inspectors. The charges preferred against him were for peculation, shooting out the eye of a convict, and various other acts of cruelty towards the prisoners, of the most frightful character. The Inspectors, Mr. Hopkirk being the presiding

Judge, received evidence on those charges, under oath; but though the evidence substantiated every single point of the allegations, and a great deal more — though peculation was clearly shown, and many acts of cruelty — yet the Inspectors exculpated Mr. Frank Smith by a verdict, to which I venture to say no parallel can be found, except in the report of the hon. member for Brome. And to show the condition to which the Penitentiary had been reduced, I will now read some of the evidence, adduced before the Commission, as to the doings of this Frank Smith: —

Keeper M'CARTHY (for fifteen years an Officer of the Institution) "has seen Frank Smith throw potatoes, stones or blocks of wood at convicts; has seen him hit convicts; on one occasion a man was thus badly hurt."

Guard FITZGERALD (for four years an Officer in the Penitentiary) "has known Frank Smith to throw potatoes, stones, and such things at convicts; has seen him hit convicts in this way, frequently; has seen him throw a potatoe or a small stone right in among the convicts when they were at their buckets."

Thirteen other witnesses give similar evidence. And here is something worse: —

Guard FITZGERALD — "Has known Frank Smith make convicts open their mouths, pretending to look for tobacco, and then throw salt, or any thing handy, into their mouths, and even to spit in their mouths."

Guard WILSON — "Has several times seen Frank Smith pretend to look into the mouths of convicts for tobacco, and throw things into their mouths. Recollects one day, in the entrance to the dining hall, Frank Smith asked Convict Tuey to open his mouth and let him look for tobacco. Tuey refused. Mr. Costen, who was standing past, said, 'Open your mouth, sir, when you are desired;' Tuey did so; and Frank threw a ball of snow and mud into his mouth. He found no tobacco in Tuey's mouth."

(Sensation.) Eight other witnesses confirm these statements. And let me read further: —

Keeper KEELY — "One of witness's men, named M'Mullen, came to witness one day, thoroughly drenched with water, and with his head cut, and blood running from the wound; M'Mullen told witness, Frank Smith and his men had plunged him head foremost into a water butt, and he had received the wound from a nail inside the cask; the man had been sent for a tackle block when this occurred, and he had been told it was in the wash house; it was not there, and witness presumes he was only told so to get him into the wash house. A convict named Cote told witness he had helped to plunge M'Mullen."

Guard ROBINSON — "Has known convicts to be plunged into a butt of water by Frank Smith and his gang, in the wash house. Recollects Convict M'Mullen complaining to witness that he had been plunged head foremost into a butt of water by Frank Smith's orders; M'Mullen's head was cut and was bleeding; it was in the winter time. Recollects Convict Wilson reporting to witness that he had been thrown into a large hogshead of water by Frank Smith and his party; they (M'Mullen and Wilson) were both very much wet; the men were in the wash house on duty, getting water for their shops; witness sent Wilson to get hot water. Frank Smith had previously said to witness, jocularly, — 'That d——d fellow Wilson, we must catch him to-day, and give him a ducking.' "

Keeper SWIFT — "Believes the kitchen or wash house men were in the habit, under Frank Smith's orders, of ducking convicts head over heels, in a water butt; one of witness's men, named Conkwright came to witness one afternoon dripping wet, and complained that he had been so ducked by Frank Smith's orders; it was in the winter time — winter before last; witness made him change his clothes."

Seven other witnesses speak to the same effect. Fifteen testify that Smith was in the habit of carrying a stick, with a pin or other sharp instrument fastened into the end of it, and thrusting this into the flesh of the unfortunate prisoners, who dared not rebel. As a sample: —

Keeper GLEESON — “Has seen Francis W. Smith often push pins, or some other sharp instrument into convicts, for his amusement, apparently; this happened at the dining hall, as well as on the road coming in; it was a very frequent trick of Smith’s; it was certainly not done to keep the convicts awake; this made the convicts very angry; they sometimes laughed, and others would have resented if they dared.”

Fourteen other persons speak to this fiendish habit. And let me read further: —

Keeper M’CARTHY — “Has seen Frank Smith drench convicts with water from the fire engine; he poured water on whoever came in his way, officers or men; has seen him hunt gangs of workmen away from their labour in this way; has seen this often; has seen him break panes of glass in the windows of shops, with water from the engine; has seen him pour water into the tailor’s shop, from the fire engine, through a broken pane of glass. The Warden saw his son drenching the convicts in this way, on one occasion last summer, and he ordered a convict who had been so wet, to get his clothes changed. Next day at dinner, Frank Smith asked witness if he saw what passed? Witness told him he had. Frank said, ‘I will give him a hungry belly for one week for this, which will teach him not to change his clothes again, when I wet him;’ and he added that if he had known in time, he would have sent a note to Keeper Hooper to prevent his getting dry clothes. Witness saw this man fed for several days after, on bread and water, and he (Convict) told witness he was so hungry that he would stand three dozen with the cats, for one loaf of bread.”

Keeper M’GARVEY — “Has known Frank Smith to play the fire engine on convicts frequently; has known the convicts to have their clothes thoroughly wet in this way; has known a gang of workmen to be driven away from their work, by the fire engine being played on them; there was no mistake as to Smith’s desire to wet the convicts.”

Sixteen other witnesses give similar evidence; and fourteen testify to his deliberately shooting arrows at the convicts, from a strong bow. Here are samples: —

Guard ATKINS — “Has seen Frank Smith shooting at the convicts with a bow and arrow; has frequently seen him hit them.”

Guard KEARNS — “Has known Frank Smith to shoot with a bow and arrow in the yard; knew him to fire at a plate thrown up for him by a convict.”

The result of this shooting, I believe there is no doubt, was the loss of an eye of one of the convicts. Let me read on this point: —

ISAAC EVRETT (for three years a prisoner in the Penitentiary). — “John Abraham, of the same tribe of Indians, was a convict in the said Penitentiary for the same period with deponent, and while there, thinks in the month of February, in 1847, when entering the passage to their cells, No. 18 and 19, deponent was informed by Abraham that he had that day got one of his eyes injured, from the shot of a blunt arrow from a bow, by Frank Smith, one of the Stewards of the Institution. The day it was done, saw the said Smith have in his hands a bow; shortly after, saw the Convict Abraham’s head tied up with a white cotton handkerchief. Subsequent to having seen Abraham’s head tied up, the said Smith shot from the bow a blunt arrow at deponent, which struck him between the shoulders, which caused deponent to say to the said Smith, ‘what made him do that?’ If he served him so again, that, although a convict, he would break his arrows as well as his head, as he would not be so abused.”

Direct evidence, given before the Inspectors, will be found in the Appendix, that Abraham’s eye was shot out by Smith. And the proof is equally abundant of numberless other acts of brutality on the part of Smith. But two or three other extracts, and I have done: —

JAMES BRENNAN — “Recollects seeing Frank Smith kicking a convict, a coloured man, very brutally.”

Keeper SWIFT — “A coloured man, named Johnston, was sent to the hospital, it was said on account of a kick received from Frank Smith.”

Guard FITZGERALD — “Has known convicts in the box to be ill-treated by Frank Smith, has seen men in the south wing, under Frank’s directions, shake about the box, and throw water in upon them through the air holes above. He has also seen Frank Smith himself thus shake about the box, and pour water in upon the convicts in the box, and has also seen him poking at the convicts with an arrow or small stick through the lower air holes. Recollects M’Keener and Lafleur, and other convicts, being so treated; and again, witness has thrown water himself upon convicts in the box, through the top air holes; he was ordered to do so by Frank Smith; would never have done so of his own thought or choice.”

Guard COOPER — “Saw convict Day used most cruelly in the lodge, by Frank Smith, about a year ago; Day was white-washing in the lodge; he was standing on a table about two feet and a half high; Smith rushed at the table and knocked it from under the man, who fell on his head and was much hurt; Smith said he would make it all right with a ration of bread; Smith seemed quite delighted with the sport; Day was a very sickly man, and has died since of consumption. Bannister saw this.”

Hon. members may suppose that these were the tricks of a boy; but the man was 30 years of age — he had been deputy Sheriff of the county — and was under his father’s eye “in the hope that he might do better.” (Hear, hear.) And equally strong with the proof of his brutality, is the evidence as to the systematic robbery of the institution carried on by him. Let me read one or two extracts: —

Guard BANNISTER — “The officers were in the habit of buying provisions from kitchen-keeper Smith. Witness has seen quantities of provisions going out regularly, from the time Frank Smith was appointed up to his trial last fall. Witness himself bought a bushel of potatoes, and a bushel of turnips from Frank Smith; they were taken from the Penitentiary stores in the cellars; got them himself from the cellar; there were several heaps of potatoes in the cellar at the time, but they were lying open and witness selected what he got from the best heap he could find; the turnips were brought from the cellar by a convict; there was but one heap of turnips; witness paid Frank Smith for these things; when witness bought these things he understood they were taken from the Penitentiary stores, but thought that Frank Smith got supplies from the contractors afterwards to replace them, for which he paid the contractors direct. Smith expressed himself to this effect — it was generally understood. Witness never knew any provisions to come into the Penitentiary for Frank Smith; never heard of Frank Smith buying any articles from the contractors. Witness has known potatoes, turnips, peas, oatmeal, oats, bread, vinegar and fire-wood, to go out of the prison for the officers; considerable quantities of these things have gone out during Frank Smith’s time. Witness has known Mr. Bickerton, Mr. Costen, Swift, Skinner, Pollard, Watt, E. Crawford, Mills, Cooper, W. Crawford, Sexton, Kearns, and Martin, to get one or all of those things.” (This witness keeps the front gate.)

Guard KEARNS — “Is aware that Frank Smith was in the habit of selling provisions to the officers; witness has purchased potatoes from him four or five times; got a bushel at a time; saw them taken from the cellar of the Penitentiary; has no doubt they were from the Penitentiary stores; paid Frank Smith for them; has also had oatmeal three or four times, had 25 lbs each time; has no doubt the meal came from the Penitentiary bin; Watt, the Guard, weighed it; paid Frank Smith for it. Has known other officers to get provisions in this way from Frank Smith; has known Ballantyne, Swift, Watt, E. Crawford, Mills, Tyner, O’Neil, W. Crawford, Bannister, Martin and Robinson to do so; these men have at different times had supplies of one or more of the following articles: — potatoes, turnips, oats, and pork. Wm. Crawford got the pork. And again, always understood that the provisions he and the other officers got from the kitchen, were the property of the Penitentiary, and that Frank Smith paid over the money he received to the Clerk; Frank Smith has told witness that this was the case; Frank Smith has endeavoured to persuade witness since his trial, that witness misunderstood him in this matter, and that he only meant to say, that he got money in advance from the clerk to pay for the

supply of provisions he kept on hand for the officers; witness is quite sure this is a very different statement from what he originally made."

Keeper SWIFT — "Knows that Frank Smith was in the habit of selling provisions to the officers; witness has himself bought eight bushels of oats from Frank Smith; they were got at different times, paid Frank Smith for them at the rate of from 1s 8d to 2s 3d per bushel; those oats were got from the stable, out of the Penitentiary stores; witness thought Frank Smith paid for such articles as he sold, to the clerk; has heard Frank say that this was his practice."

Guard COOPER (the front-gate keeper, associated with Bannister,) — "Is aware that Frank Smith was in the habit of selling provisions to the officers; witness has himself bought potatoes from Frank Smith, at least two bushels; they were got from the Penitentiary stores in the kitchen cellar; paid Frank Smith for them. Witness has known officers, at various times, to get potatoes and other articles; recollects of Mr. Costen getting potatoes on several occasions; also, Kearns got potatoes and oatmeal; Robinson got potatoes; Fitzgerald, also; and Wm. Crawford and Skinner. Many of the officers got turnips — it was an every day occurrence. M'Garvey, Swift and Mr. Bickerton got oats; O'Neil got pease. Witness believes that all these articles came from the Penitentiary stores. *Never knew of any provisions coming into the Penitentiary for Frank Smith.*"

JOHN WATT (kitchen-guard, or rather assistant kitchen-keeper, throughout Frank Smith's time,) — "Is aware that the officers have been in the habit of buying provisions from Mr. Frank Smith; has known Mr. Bickerton, Mr. Costen, Ballantyne, Hooper, Swift, Matthews, Manuel, Little, Harmiston, Skinner, Wm. Smith, Pollard, E. Crawford, Mills, Waldron, Tyner, O'Neil, W. Crawford, Bannister, Thorp, Sexton, Kearns, Bowers and Martin, to get provisions from Frank Smith; has known one or more of these men to get one or more of the following articles: — potatoes, bread, turnips, peas, oats, oatmeal and vinegar; has no recollection of any one getting pork. Witness has himself purchased provisions from Frank Smith."⁷¹

MR. SICOTTE the SPEAKER. — Does the hon. member intend to go over all these cases? He must see that, if he does, the same latitude must be allowed on the other side.⁷²

MR. BROWN. — I think, Mr. Speaker, after the attack made upon me and my brother Commissioners by the Solicitor General, it is absolutely necessary to show what was the character of the task we had on hand — what was the state of the Institution when we examined it, and what was its condition when we left it. (Hear, hear.) If ever there was a hell upon earth — it was the Kingston Penitentiary in the year 1847. The Attorney General, after three months' labour, has succeeded in finding seven passages in the report of the Commission, to which he takes exception. He says these seven passages were falsely collated. I deny that they were falsely collated; I assert that they were correctly collated — that, were I to collate the same evidence to-morrow, I should do it precisely as it was done in 1849. But I want to do more than this. I wish to show, by the miserable character of the exceptions, how admirable must have been the rule. (Hear, hear.) I wish to show that, even if everything alleged by Smith and Hopkirk before the Committee, and by the Attoary. General since, were true, it would be all utterly contemptible, when considered as a portion of the mass of grave matters found in the proceedings of the Commission. One hundred and twenty-one charges were preferred against the Warden, and *not one of them* would be in the slightest degree affected were Mr. Macdonald's seven exceptions all that he represents them. Not one charge rests on the testimony of one witness — you might strike out not seven but seventy of the charges and the evidence against the Warden would be as annihilating as before. (Hear, hear.) It is for these reasons I desire to explain fully the nature of the inquiry out of which these charges have arisen. The Solicitor General said that no money passed through the hands of his brother Francis Smith. That is true; but peculation was undoubtedly practised by him to an enormous amount. Stores were paid for by the

country while he was in charge, which never could have been consumed, which never were used in the institution, and which either never came into it, or were fraudulently disposed of. There is clear evidence that, while he was storekeeper, a regular system of sale went on to the officers, and of appropriation to his own use of articles the property of the Penitentiary. It was attempted to be said that for the articles sold in this way, Smith paid the institution; but we got an official return from the Warden of all the monies so paid in during the whole time Smith was there, and it showed that the payments were but to a trifling extent bearing no proportion to the large amount of sales of Penitentiary property made, and the proceeds pocketed by Smith. I need not go farther into Mr. Frank Smith's case. The passages I have read give but a very limited view of the man's infamous proceedings. And yet, sir, in the face of facts such as I have read, Mr. James Hopkirk and his brother inspectors decided that Frank Smith was not guilty, and maintained him as an officer of the institution! and not only that, but they turned the inquiry into a trial of the gentleman who had brought the charges, — they absolutely received evidence on Smith's trial for peculation, as to the manner in which Dr. Sampson had treated his patients! The result of the affair was that Dr. Sampson appealed to the Government, and demanded a commission of inquiry. Open feuds now broke out in the institution. The Inspectors and Warden were pitted against the Surgeon. Frank Smith and his father were enraged at the officers who had given evidence against the former at his trial — and all made preparations for the government commission, which was evidently no longer to be resisted. The hostility was soon still further increased by the physician reporting that two convicts, who had been punished to a frightful extent, were insane. One was a coloured man named James Browne, and the other a woman named Charlotte Reveille. Dr. Sampson reported these persons as insane; the Inspectors and the Warden said they were not insane; the physician appealed to the government against what he considered a most unfair and improper interference with his duties. And the discord was brought to a fearful climax by the preferment of a charge against the surgeon of "undue familiarity" with the insane convict, Charlotte Reveille. I shall not enter into the horrid details of this infamous conspiracy; but will content myself with referring hon. gentlemen to the record of the infamous affair. The charge was brought forward at the instigation of the Warden and his wife, by a weak woman named Chase, who gave two versions of the story at different periods, entirely different from each other, but both under the solemnity of an oath. Those who will take the trouble to investigate the case, will shrink back with horror from the fiendish malevolence which could have concocted such a charge, and deliberately attempted to establish it, without the slightest shadow of truth to sustain it. Rumours of frightful cruelty within the walls, and great irregularities, now began also to obtain circulation. A Conservative government, the Draper administration, was then in power; and the present Attorney General West, I believe, was a member of it, as Receiver General. But firm friend of the Smiths as he was, and Mr. Draper was, so strong was public indignation at the time, and so loud were the clamours against the institution, that the government were compelled to issue a Commission of Inquiry. Before the commission was prepared, however, or on 6th March, 1848, the Baldwin-Lafontaine government came into power. The new ministry carried out the intentions of their predecessors, and issued a commission to the Hon. Adam Fergusson, Mr. Narcisse Amiot, Mr. Wm. Bristow, Mr. Sheriff Thomas, and myself. We assembled at Kingston on 23rd June, 1848, and closed our proceedings on 16th April, 1849; and not one act of that commission was taken without the gravest consideration. The Solicitor General was good enough to observe, that the course pursued by the commission was one which had never been heard of before, and he told us that when he had acted as a government commissioner he had always conducted his inquiries in open court, and allowed the parties accused to have counsel to defend them. Now I crave the attention of the house to the fact that this enquiry was entirely different from those alluded to by the Solicitor General, or indeed from any other Commission ever issued in this country. We were not sent to Kingston to try Mr. Smith, or Dr. Sampson, or Mr. Hopkirk, or Mr. Costen; we were sent there to find out how a great public Institution had been managed — what was its condition, and how it could be improved. (Hear, hear.) We were told there had been constant complaints against the management for a period of twelve years; we were handed the papers embodying those complaints; and we were directed to go to the spot, make full enquiry into

everything connected with the Institution, and report upon it. Had we made our enquiry in open court, we should never have seen an end of it. The charges were of gross irregularities existing in the prison, and those irregularities most diversified in character. There were forty officers, and how could we tell until the evidence was before us which of them were responsible for the thousand transactions complained of? Were we to place all parties possibly to be implicated at our bar, and let each witness be cross-examined by them in turn? The thing was impossible. After the most mature deliberation, we resolved that the fairest and most satisfactory mode was to conduct the investigation in the first place in private, and to draw up from the evidence, formal charges against any officer who might appear to be implicated, and furnish him with a copy of such charges, and the testimony to sustain them; and should such officer deny the allegations made to his prejudice, we determined that *he should have the opportunity of recalling the witnesses for re-examination, or summoning such additional witnesses as he might think proper for his defence.* We conceived that this mode of proceeding was highly advantageous to the accused; for though the preliminary evidence would thus be taken in his absence, the benefit from having the testimony in writing, with time to scan every line of it, instead of cross-examining at the moment, greatly overbalanced any slight disadvantage which might attend it. Sir, I appeal to the house if a fairer course could have been taken? And so careful were we to avoid injustice, that the moment this course was resolved on, we sent for the Warden and Mr. Hopkirk, who was deputed to act on behalf of the Inspectors, and informed them minutely of the plan we had chalked out. (Hear, hear.) You will find a minute of the interview recorded in our journal, and the evidence of Mr. Fergusson, Mr. Bristow, and Mr. Thomas before the committee establishes the fact that Messrs. Smith and Hopkirk declared themselves “highly satisfied” with the arrangement. (Hear, hear.) And yet, Sir, in the face of this, we are charged by the Attorney General with taking evidence against Smith “behind his back!” Could anything be more unjust? Nay, Sir, so careful were we to avoid injustice, that after we had the approbation of the Warden and Inspector for the course we intended to pursue — we wrote to the Government explaining it minutely to them, and we received a reply from Mr. Secretary Sullivan, giving the formal approbation of His Excellency in Council to all we proposed. (Cheers.) Sir, the Premier of the present Administration (Colonel Tache) was a member of that Government — he is responsible for what we did, and so was the hon. member for Shefford (Mr. Drummond) — and yet we are now assailed as criminals by the Attorney General, for following a course which had the formal sanction and approbation of these gentlemen! (Hear, hear.) It has also been alleged against us as a crime, that we refused Mr. Smith the aid of legal counsel in conducting his defence. Now, I wish this to be kept in mind, that the commission was not a Law Court — we were not sent to try Mr. Smith or any other person — we were sent to discover the true condition of the Penitentiary, and to remedy its abuses if we found any to exist. (Hear, hear.) The charges against individuals were merely incidental to the inquiry. (Hear, hear.) We did not ask them to acquit themselves legally, minutely — all we asked was, that they should free themselves of blame morally. We were content to receive any truthful explanation of any charge, in whatever shape it might be offered. We would have scorned to impute blame to any man in the Institution, because he could not prove his innocence, if innocent he were, according to legal rules. (Hear, hear.) — But just as unwilling would we have been to be embarrassed and baffled in our inquiries by legal technicalities. We were not sent to Kingston as lawyers, but as business men — we went to reform the Institution, and *I apprehend we did it.* (Loud cheers.) Having thus adopted a course of action, we proceeded to call before us a number of gentlemen whose names had been handed to us as capable of communicating valuable information. We had interviews with Hon. P.B. DeBlaquiere; James Nickalls, formerly President Board of Inspectors; Doctor Sampson, Surgeon of the Penitentiary; A. Manahan, late an Inspector; Thomas Kirkpatrick, late President Board of Inspectors; Samuel Rowlands, Editor Kingston *Chronicle and News*; I.B. Marks, late an Inspector; Rev. R.V. Rogers, Chaplain to the Penitentiary; A. Pringle, formerly an Inspector; Major Sadlier, late an Inspector; Hon. John Macaulay, first President Board of Inspectors; the Roman Catholic Bishop of Kingston; Rev. Angus McDonnell, Vicar-General. From these gentlemen and the documents placed in our hands by Government, we learned the history of the institution, the mode of its management, the general character of the

complaints, and the names of parties who could testify to facts. We issued subpoenas for those parties and examined them on oath — we drew out in the course of their examination the parties who could substantiate or rebut what they affirmed, and these we sent for also. Fifty-four witnesses gave evidence before us in this preliminary examination. Of these 54, 15 were at the time officers of the Penitentiary, 4 had been officers but resigned, 11 were persons unconnected with the institution, 8 were discharged officers, 10 were convicts, and 6 were discharged convicts. And I call the attention of the house to this fact, that convict evidence was used solely in corroboration of other testimony — that the evidence of only seven convicts was used in arriving at the conclusions of the report, and then to so slight an extent that it might have been expunged altogether without materially affecting the evidence on any one charge. (Hear, hear.) In regard to the evidence of discharged officers, I will have something to say hereafter. When the preliminary evidence was closed, the Commissioners proceeded to select from it such passages as appeared to affect the officers of the institution. We read over the whole evidence, making memoranda as we proceeded, and arranged all the passages bearing on particular subjects under separate heads. Having received minute instructions as to the passages to be quoted — it was left to me to copy them out from the original record, and transmit them to the Warden and other officers. I did so in the case of kitchen-keeper Smith; he refused to enter on any defence before us — we reported the case to Government, and he was summarily dismissed. The Inspectors, however, endeavoured to soften his fall before his dismissal arrived, by accepting his resignation. I also prepared the written extracts of evidence against the Warden, and transmitted them to him, for his explanations, on 23d September, 1848. In doing so, I was instructed to inform him, and I did inform him, that he would be entitled to recall any of the witnesses for cross-examination, or any other witnesses he liked; that if he would furnish the Commissioners with lists of the persons he desired, in something like the order he wished to call them, the Commissioners would produce them by subpoena; and if it was found impossible to produce any of them, that circumstance would be considered in reporting to the Government. (Hear, hear.) And, sir, this course was strictly followed in all our proceedings. (Hear, hear.) It was arranged between the Commissioners and the Warden, before he commenced his defence, that “the Secretary should read out the answer to each question as he had written it, and not proceed until the witness and the Warden were satisfied that the answer was correctly taken down;” and the practice was strictly in accordance with this agreement. A quorum of three Commissioners was invariably present, while evidence was being taken; the Warden was invariably present, and a clerk to record the evidence for him. Each question was read aloud, for the assent of all the Commissioners, and of the Warden, before it was put; and if any one objected, its pertinency was discussed, settled, and a minute made. When the answer was given, I wrote it down — read aloud what I had written — and the next question was not put until all were satisfied with the words I had recorded. When the whole deposition was closed, I read it aloud slowly and distinctly — made such amendments as were suggested by the witness, the Warden, or any Commissioner — and then put the question to the witness, “Are you satisfied that your evidence is correctly written down?” I then asked the Warden, “Are you satisfied?” and having had a distinct affirmation from each, I took the book and added these words to the deposition — *“The foregoing evidence was read aloud, Mr. Warden Smith declared the evidence correctly taken down — witness did the same and signed it.”* I then read these words aloud, and handed the book to the witness and he signed the deposition. (Hear, hear.) This course was followed invariably — there was not one exception to it. (Hear.) Mr. Smith commenced his defence on 9th October, 1848, and continued it from day to day with one or two short intermissions, up to the 19th of January, 1849. He recalled 35 of the 54 witnesses in the preliminary examination, and 48 new witnesses of his own — of whom 17 were convicts, but all held as good witnesses for the defence. (Hear, hear.) Far from shaking the preliminary evidence, the testimony adduced by the Warden in his defence only gave it tenfold strength. Any one who will take the trouble to examine the matter, will find that were every word of the fifty-four witnesses called by the commissioners struck out of the record, and the case left on the testimony of the warden’s own witnesses alone and the official records of the prison — there would be sufficient to establish the blackest chronicle of wickedness that ever disgraced a civilized community. (Hear, hear.) At first we

wondered at his producing witness after witness who, on cross-examination, only opened up to us new pages of misconduct — but we soon found that his aim was to spin out the time, in the evident hope that the chapter of accidents might turn up something in his favour, and enable him, before the Commission was closed, by the slanders of his son and his friend the Attorney General in Parliament, and of the press, which these gentlemen controlled, to forestall public opinion by raising a false prejudice against our Report ere it appeared. (Hear, hear.) Every difficulty that could be thrown in our way, every false plea that could be urged as a defence, every accusation, true or untrue, that could be made against the honest witnesses, every slander that could be concocted against our proceedings, was earnestly resorted to, to break the force, if possible, of the disclosures they knew must come of their fearful misdeeds. Sir, I propose now, to pass in review, as briefly as possible, the charges proved against Mr. Warden Smith — and before I am done I am very certain that not one gentleman who hears me but will perfectly comprehend the dread which their publication excited in the Solicitor General and his friends, and the undying hostility they nourish against all who were connected with it. The several charges against the Warden were 11 in number, subdivided into 121 counts or specific accusations. The first charge was — *“permitting irregular practices in the Institution”* — and this was fully established in very many ways. The second charge was — *“by mismanagement or negligence, reducing the Penitentiary to a state of the utmost disorder”* — and under this it was established that the convicts talked freely to each other; that they knew much that was going on outside, as well as every occurrence in the prison — that they were constantly supplied with tobacco by stealth, for which the prison tools and implements disappeared — that intoxicating drinks frequently reached them, many convicts having been drunk — that the institution was a nursery of crime rather than a reformatory asylum — that the officers were divided into two parties — and that the Warden and his deputies had been, for long periods of time, not even on speaking terms. The third charge was *“Culpable conduct in reference to his son, Francis W. Smith”* — and under this, it was clearly shown that he knew and countenanced the outrages of this inhuman scoundrel, and that he knew and countenanced his peculations. The fourth charge was, *“Gross neglect of his duties as Warden,”* and it was sustained upon eight counts. It was proved under this charge that Mr. Smith was seldom present at the meals of the convicts — that he visited the various departments very irregularly — that for years he had not been once present during service in the chapel — that the most important duties of his office were handed over to others, and those quite incompetent for the task — that the management of the works and expenditure of the public moneys were left to the uncontrolled care of inferior officers — that there were no prayers said in the prison, no grace at meals, no Sabbath School, nothing except one service on Sunday and a lecture on Thursday to mark the institution as a community of Christians. The fifth charge was, *“Culpable mismanagement of the business affairs of the Penitentiary.”* Under this head, it was proved that twenty persons were in the habit of granting receipts for goods without any check whatever on their proceedings, and many of them incapable of doing the duty properly; that work was executed for the officers and their friends in the prison, and the prices fixed by the officers for each other — that an establishment of carriages, sleighs and horses was kept up at a vast expense, under the plea of bringing four Inspectors a dozen of times annually to the Penitentiary, but in fact for the use of the Warden’s family — (hear, hear,) — and that contractors were allowed to deviate from their contracts to the injury of the institution. I call the attention of hon. gentlemen to this fact that *the sharpening of quarrymen’s and stone-cutters’ tools* was charged to the country as having cost no less than £877 12s 10d in one year, the year ’47 — (loud cries of hear, hear,) — and that the shoeing of twelve oxen in the same year was charged as having cost no less a sum than £120 6s 5d. (Hear, hear.) Under a later charge it was proved that a pair of horses, the property of the gentleman opposite, the Solicitor General, were brought into the prison lean and lank, for the express purpose of being fed up, and that for nine months they were fed, groomed and shod — ⁷³

MR. SOL. GEN. H. SMITH. — I call the hon. gentleman to order. The Speaker stopped me when I referred to matters affecting myself.⁷⁴

MR. SICOTTE the SPEAKER. — The Solicitor General is himself out of order.⁷⁵

MR. BROWN. — I do not wonder at the hon. gentleman's anxiety to prevent his share in Penitentiary matters coming to light. He asked the other night, why did the Commissioners meddle in his affairs? Sir, I could easily have told the hon. gentleman why they were compelled to meddle in them — and I could have told him that there were grave matters brought before them in which his name appeared in a much less flattering manner than in this book of record. But as the hon. gentleman I see is so nervous on this point, I will not now go further. The sixth charge against the Warden was in regard to the books and accounts of the institution. It was proved under this charge that the books of account were not such as to enable error or fraud to be detected — (Hear, hear,) — that they had not been once balanced in fourteen years — (Hear, hear) — and that errors without number were found throughout them all. (Loud cries of hear, hear.) Why, sir, one error alone of £1,000 is. had stood four years on the Ledger and another of £1,000 for one year without being discovered until the Commissioners pointed them out. (Hear, hear.) We found it impossible to make anything of the books without entirely re-writing them — and that would have been a labour of years, and fruitless then. To show the state they were in, it is only necessary to mention that in the casual inspection we were able to make of them, we detected one sum of £194 overpaid to one contractor, and another of £193 to a mercantile firm in Kingston. (Loud cries of hear, hear.) And the vouchers for disbursements were equally unsatisfactory. £130,000 of the public money, and public labour to a much larger amount, passed through the Warden's hands — but there were not proper vouchers for £10,000 of it. We had receipts such as this: "Received from Henry Smith, Esq., one thousand pounds" for stone, or timber, or provisions, as the case might be, but no certificate whatever that the articles ever entered the walls or were expended in the service. Extravagance and speculation ran riot throughout the establishment — the Commissioners probed it to the bottom — and that is our offence — for this have we been assailed — (loud cheers) — because we did our duty to our country fairly but unflinchingly, have we been exposed to the vilest accusations that were ever forged against public men. And now, sir, I come to the seventh charge against the Warden — that of *starving the convicts*. Under this charge it was proved, beyond all question, that the meat was often of very poor quality, with a most unfair proportion of bone, and that when served to the convicts it was less than the statutory allowance, and frequently in a state unfit for use. (Hear, hear.) Let me read some extracts from the evidence: —

Mr. UTTING says, he "has frequently known the meat, when distributed to the convicts in the dining hall, to stink." Convict Eliza Quinn says, "the meat was often stinking." Guard Robinson says, it was, "frequently stinking." James M'Carthy says, "he has frequently seen it absolutely stinking." Mrs. Coulter says, the meat "has often come in stinking." Guard Wilson has often seen it "stinking." Thomas Fitzgerald has known the soup and meat "unfit to be eaten, frequently." Ballentine, Kearns, Swift, Cooper, and Freeland, and convicts Chagnon, Dyas, DeBlois, Armstrong, and Dudevoir, all bear similar testimony. Keeper Manuel has seen the meat have a bad smell, but not unfit to eat. Keeper Pollard has seen it bad, not very bad. Keeper Matthews has heard convicts complain that it had a bad smell. Guard Sexton "has occasionally known one ration to smell a little — not to say bad — not to stink." Mrs. Chase "never saw stinking meat served but once." Guard Watt admits "the meat has often been stinking when served out to the convicts; the whole of a ration has been tainted, but not all stinking."

And the same state of things was proved as to the bread. That when it came in it was frequently bad in quality, and worse when served. Let me read some extracts on this point: —

Keeper M'GARVEY says: — "The bread was often very bad — sour, miserable-looking stuff;" and he has seen "maggots in it." Keeper M'Carthy has "seen it mouldy, and with maggots in it." Mrs. Cox says, "the bread was often very bad; has seen it sour, pastey, mouldy, and has even seen maggots in it." Mrs. Coulter says it was "often very bad, sour, and blue-mouldy." J.H. Freeland says, "it was sour, mouldy, and quite sickening;" and that he has seen

weevils and worms in it. Keeper Swift says, he has "seen it sour, mouldy, and with maggots in it; has seen it have dung in it." And numerous other witnesses give similar testimony.

Guard WATT says: — "Has seen the brown bread served out to the convicts sour, but not often; knows that seven or eight batches of sour brown bread were served out to the convicts within the last two years. Witness has seen the brown bread served out mouldy; has seen it so frequently; witness has seen the flour-worm in the bread frequently; witness has seen dung in the brown bread on several occasions — rats' dung — not so frequently as the worms."

There is not, sir, a question as to the accuracy of the Commissioners, when they said that, "from deficient potatoes, short rations of bread, bad meat made worse by keeping, and poor bread become worse by keeping, the convicts must have been often insufficiently fed, and that the hard working out-door men must have suffered severely." Yes, sir, and it was proved beyond a doubt that the unhappy convicts, for complaining of deficient food, were subjected to the most cruel punishments. (Sensation.) The hon. gentlemen opposite have endeavoured to make much capital from the condensation by the Commissioners of Mr. Kirkpatrick's evidence on this point. Why, say they, did not the Commissioners give every word they uttered on so important a matter? Now, Sir, I am sure no candid man will read Mr. Kirkpatrick's testimony, without saying that the condensation of it was fairly and accurately made — conveyed the precise impression he himself desired to give. Indeed, I put the question to him, and he said that this was so; I intended to have summoned him as a witness, but he left town ere I had an opportunity, and I did not think it of sufficient importance to bring him up again from Kingston. But what I wish to call the attention of the house to is this, that the testimony of a hundred inspectors that when they passed through the dining-hall occasionally the meat seemed good and sufficient, and the men robust and healthy, could not disprove the distinct sworn testimony of seventeen officers who were in daily communication with the prisoners, that the food was bad and insufficient. (Hear, hear.) Deputy-Warden Utting swears that "the food was decidedly insufficient, and the prisoners were continually unable to perform their work in consequence. Witness often reported this to the Warden, who took no notice of it." The Architect, Mr. Coverdale, swears, that he "has frequently seen convicts sitting down during work hours, and on asking the Keepers, was informed that they were too weak to work from want of food." Keeper Gleeson swears that "he has often known the most able and willing workmen totally unable to work from exhaustion through want of food." Nay, Sir, it was proved that convicts, on more than one occasion, were literally caught eating the offal in the hog-pen! How can the casual examination of an Inspector meet such evidence as this, concurred in, as it was, by seventeen credible witnesses? Nay more, Sir, had there been no such witnesses as to the insufficiency of the food, there was indubitable evidence of the fact from another source — a source that could not err. In the prison there was kept a provision receipt-book, in which the weight of the bread and meat received daily was accurately entered; and this book shows that at certain periods, for months in succession, the unfortunate prisoners were deprived of nearly one third of their statutory rations. (Loud cries of hear, hear.) And this provision-book shows more than this — it shows that from the irregular delivery of the meat at all times, some days more and some days less, and the invariable habit of using one day the exact quantity delivered the day before — there must often have been days of keen hunger in the prison. (Hear, hear.) For example, this book showed the delivery of meat on the first Monday of July 1847, to have been 240 lbs.; the next delivery 324 lbs.; the next 442 lbs.; the next 240 lbs.; the next 345 lbs.; the next 476 lbs.; the next 322 lbs.; and so on, through the month. The quantity at the end of the month might come near the proper weight, but the separate days differed widely from the right average. There was a variation between the delivery of one week and that of another week, in July and August, 1847, of no less than 838 lbs. (Hear, hear.) And the same thing happened in regard to the bread — one day there must have been a large surplus, and other days starvation. Two days frequently passed without any delivery of bread, and sometimes three. (Hear, hear.) I think, then, Sir, that nobody can deny that this charge was clearly and undeniably established against the Warden. (Hear, hear.) I am now, sir, to call the attention of the house to the frightful amount and character of the punishments inflicted on the unhappy inmates of the Penitentiary; and I verily believe

that a more horrifying record was never brought to light in a Christian country. No hon. gentleman can be ignorant that severely coercive measures in a prison, as everywhere else, unless tempered with discretion, can but increase the evil. You cannot continuously rule men by terror — you cannot flog a man again and again without robbing him of self-respect, brutalizing his feelings, and rendering him callous of all consequences. Mr. Warden Smith seems not to have known this, or to have been utterly indifferent to it. He commenced flogging his unfortunate prisoners into good behaviour, and as a natural consequence the offences and the punishments increased with a certainty and rapidity positively horrible to follow. I shall presently refer to this; but let me explain in the meantime the character of the punishments used. First, there were the *cats*, a fearful instrument. Of this instrument, guard Kearns testifies: “The cats were laid on the bare back; it made the whole back raw; brought blood at almost every stroke.” “Has known men frequently to get water to prevent them from fainting during punishment.” John H. Freeland says “the cats lacerate the back and breasts, the blood flows and the skin becomes black.” (Sensation.) Deputy Warden Utting also testified: —

“Has known Convicts faint frequently when being flogged with the cats; the Surgeon was not present; it was an order that the Deputy Warden should be present at all punishment; the Warden was very seldom present on such occasions. Witness has often mentioned that he thought a Medical man ought to be present, as he (witness) was not capable of judging whether the men were in bodily condition to receive punishment.”

Another instrument of torture was the raw-hide — a horrible weapon, which did not usually lacerate the flesh, but made large wales on the back. (Sensation.) Let me read what is said of it. Guard Kearns says: —

“The raw-hide was laid on the back, with no covering but the shirt; it would frequently bring blood on the breasts; the ordinary effect was to leave a welt at every stroke, which became swelled and discoloured.”

Deputy Warden Utting says it “does not fetch blood, but leaves large wales on the back; the skin becomes discoloured.” Discharged Convict Cote says it “would sometimes break the skin, but it would always make welts and become much discoloured.” (Increased sensation.) These, sir, are frightful enough — but the worst of all has yet to come — and I believe Mr. Warden Smith is fully entitled to the credit of introducing the fiend-like invention. It was a sort of a coffin-shaped box set upright, in which a human being was entombed so tightly that he could not move, and in that horrid torture men and women were kept hours together, breathing through small air-holes drilled into the machine. (Great sensation.) Discharged Convict Phelan says: —

“Was once in the box for quarrelling at the water-side, nine hours. The box is a very severe punishment; was like to faint; when he got out was completely benumbed; witness is a very strong man, and thinks it must have been very hard for weak persons.” “Witness thinks the box a much worse punishment than the raw-hide.”

Discharged Convict Brennan says: —

“The effect of the box is very injurious; it makes one liable to cramps in the tendons of the leg and the foot; never had cramps before he was put in the box; but has them now often, on getting up in the morning; is sure that it is the effect of the box-confinement.” (Exclamations of horror.)

Thomas D. McCormick says, he “would rather be flogged with the raw-hide; was only once in the box; could scarcely move when he got out.” Now, sir, what must be the feelings of hon. gentlemen when I tell them that in one year alone — the year 1847 — 759 human beings, men and women, were shut up for hours in that infernal machine? (Loud cries of shame, shame.) Who can doubt that many an unhappy wretch has carried the effects of that infamous torture with him to the grave? What must be the feelings of the members of this house when I tell them that in the year 1845, no fewer than 1,877 times was corporal punishment, by cats or raw-hide, inflicted in the prison — not 1,877 lashes — but 1,877 separate

inflictions, (shame, shame,) and that in the year 1846 the number rose to the frightful height of 2,133? (Deep sensation.) — Yes, sir, in that one year 2,133 men and children were stripped and lashed in the presence of 450 fellow beings — every man, woman and child in the prison was stripped and lashed on an average four and a half times in that one year. (Loud cries of shame, shame.) Could anything more horrible be imagined — could such scenes have failed to render every man in the establishment, officers and convicts, utterly brutalized? The total number of punishments of all kinds in 1840, was 225 — in 1841, 172 — in 1852 [sic], 341 — in 1843, 770 — in 1844, unknown — in 1845, 2,102 — in 1846, 3,445 — in 1847, how many think you, sir? Why, six thousand and sixty three, every inmate of the prison was punished fifteen times on an average in that year. (Deep sensation.) But if this was the average, how frightful was the torture inflicted on individual convicts? One man was flogged in 1846, no fewer than twenty times! — (Cries of shame.) One was flogged twenty-one times — three men flogged twenty-two times — two, twenty-three times — two, thirty-four times — one, forty-eight times — and one sixty times (here a burst of horror broke out from both sides of the house). Aye, sir, only think of that — a human being stripped before 450 witnesses, sixty times in one year, and lashed with cats or raw-hide. — Sir, no man can realize the horrors of that fearful place in 1846 and '47. Twenty, thirty human beings flogged at one time — boys flogged — children flogged — aye, sir, women stripped and flogged, insane women, (sensation,) — men lashed day after day, lashed, sir, before the wounds were yet healed from previous floggings — and all for what, sir? Why, for talking, laughing, or some other real or imaginary infraction of prison rule in the eye of a guard or keeper, subject to all the frailties that actuate men clothed with arbitrary power.⁷⁶

The Attorney General and Solicitor General here laughed.⁷⁷

[MR. BROWN continued:] Honourable gentlemen laugh — sir, some men may think such a picture fit subject for laughter — but for one, I am free to say that I cannot envy them their mirth. (Cheers.) I am not ashamed to say that I could weep for very shame, that cruelty so fearful, outrages so infamous, should have disgraced the country I inhabit. (Loud cheers.) Sir, we have heard of cruelties in other lands — we must all have heard of the dreadful oc[c]urrences that once disgraced a British penal colony — and the execrations they entailed on the heads of the perpetrators. But if my recollection serves me aright, the horrors of Norfolk Island pale before the transcendant infamies of the Kingston Penitentiary. There may be hon. gentlemen who will tell me that this punishment may have been excessive, but that, in the management of convicts, the lash must be freely used. Sir, I have a ready and complete answer to this; I answer not by theory — I appeal to fact. Mr. Smith was removed from the Wardenship on 20th November, 1848; Mr. Donald Æneas McDonald succeeded him as Warden; and under the inspection of my colleagues and myself, the corporal punishments were reduced in the very first year to — FIVE! (Loud cheers.) Yes, sir, from 2,133 in 1847, they were reduced in 1849 to five — and infinitely better discipline was maintained. I do not believe that in all the eight years put together that has passed since Mr. Smith's dismissal, the aggregate of corporal punishments in the prison have amounted to one hundred. (Continued cheers.) And while I am speaking of the changes we effected, I think I may be allowed to say that the reforms effected in other departments were equally undeniable. For the last three years Mr. Smith was in office, the annual cost of the institution to the public rose to the enormous sum of \$65,000. For three years my colleagues and I conducted its affairs, to the sacrifice of our time and labour, without one sixpence of remuneration — and we reduced the charge the first year to \$40,000, the second to \$30,000, and the third to \$20,000; and I have no hesitation in saying that had we continued, it would long ago have been almost self-sustaining. (Loud cheers.) The hon. gentleman ventured, sir, to allude to the compensation received by the Commissioners, and he seemed to think it excessive. The Commissioners received less for a temporary commission than the hon. gentleman gets for a permanent one — and if the hon. gentleman ever lives to serve his country as efficiently as we did he will earn his money. (Cheers.) The hon. gentleman has dared to say that I prejudged the case against Mr. Smith — that before

my appointment I had written against him in a paper under my controul. This is utterly untrue. Up to the hour when the Commissioners made their report, I had not written one line on the subject of the Penitentiary. When I went there I knew nothing of the facts; I had never seen the Warden; I had no personal feeling of any kind in the matter. (Hear, hear.) One or two letters, it is true, had appeared in the *Globe* newspaper, from the pen of a respectable inhabitant of Kingston — but they were published in my absence, and they merely called on the Government to institute an enquiry. But, Mr. Speaker, I have wandered from my theme. I have not done yet with the cruelties of the Penitentiary. I have shown the general system of barbarity — I have yet to lay before the house some marked examples of its individual application. And first, I will ask the attention of hon. gentlemen to the case of Alexis Lafleur. This child was 11 years of age when he first came into the prison — and here is a list of the punishments he received. (Here Mr. Brown held up the printed report with three long lists of punishments.) Within three days of his arrival, this child of 11 years was flogged before all the prisoners, and in a period of three years he was stripped and flogged 38 times with the rawhide and six times with the cats. (Great sensation.) Could anything be more horrifying — do the criminal records of any country claiming to be christian show a parallel to this? And the scoundrel who did all this, who awarded every one of these punishments with his own hand, is the man who was placed in the witness-box of your committee to utter his vile slanders against the Commissioners who convicted him and disclosed his villany to the world. (Hear, hear.) Aye, Sir, this is the man who was the informant of the Attorney General, who he tells us *authorized* him to make his infamous charges against me. (Loud cheers.) The next case is that of Peter Charbonneau, who came to the prison on the 4th of May, 1845, AGED TEN. Sir, this unhappy child was stripped to the shirt and flogged with the Rawhide FIFTY-SEVEN TIMES in eight months and a half! (Profound sensation.) Aye, Sir, on one occasion he was tied up on the triangles and torn with the cats — he was thirteen times stripped and flogged before all the prisoners in one month. (Loud cries of shame, shame! infamous!) And what were the offences of this poor child? Let any hon. gentleman read the record I hold in my hand, and he will see they were “laughing” — “talking” — “staring” — “turning round at table” — “losing his book” — “whistling” and so on — all the natural, the irrepressible emotions of a thoughtless child. And upon the responsibility of the man who did all this it is that I have been held up to the world as accused of crime — it is on the respectable testimony of this man you are asked to say that I convicted him wrongfully! (Hear, hear.) I pray the house to remember that it is not on the testimony of convicts that the Warden is charged with these cruelties; it is not on the testimony of officers of the Penitentiary, whom the hon. gentleman accuses of being influenced by malicious motives towards the Warden; it is on the faith of written records — records in the handwriting of the Warden himself. (Hear, hear.) There is no distorting of evidence possible here; no flimsy plea of wrong collation can be tortured up in this case. We have this man convicted, on his own written testimony, of the most barbarous cruelties, I verily believe, the world ever witnessed. But, sir, I have not yet done. I come next to the case of Antoine Beauche. This child was committed, on 7th November, 1845, for three years — AGED EIGHT — he was flogged within a week of his arrival, and, horrible to relate, he had FORTY-SEVEN CORPORAL PUNISHMENTS in nine months — all for offences of the most childish character. (Great indignation.) Will you believe it, sir, this infant was again and again subjected to the horrid torture of the box. He was flogged for “shouting,” he was flogged for “playing tricks,” flogged for “talking,” flogged for “laughing,” flogged for “staring,” flogged for “stealing bread;” yes, sir, lashed for stealing bread, this poor child of eight years, when, perhaps, starving from his allowance being kept from him; for all this time that the flogging was going on, he was kept on bread and water. I will not close yet, sir. There is one case even worse than any we have yet heard, and I regret that whilst I am bringing it forward so many seats of Lower Canada members are vacant, for the victim in this case, as in those I have referred to, came from their section of the Province. I allude to the case of Narcis[s]e Beauche. This boy was committed on the 7th November, 1845, for three years, aged 19. He was afflicted with a disease in the head which affected his mind. He was declared insane and on the 12th of August, 1846, was sent to the Lunatic Asylum at Beauport, where I believe he now is. Let me read what Keeper Swift says of this boy: —

"Recollects the boy Beauche; he was very severely flogged; he was a small boy; he was not in his right mind; he displayed the most frantic manœuvres; he was crazy; he was often punished for acts committed in a state of mental excitement."

Sir, this lad was twenty-four times stripped and lashed within six months of his arrival — and all for offences the evident results of a disordered mind. (Sensation.) But there was in this case a darker blot than in any of the others. I pray the house to listen to what I am about to read:

"Recollects a convict boy, named Booshee (Beauche); he was a very small boy, from twelve to fourteen years of age; he was often punished very severely with the cats. His usual offence was making a noise in his cell. Recollects one night, about two years ago, when witness was on guard over the prisoners, the prison was disturbed by this boy. He awoke in a great fright, and commenced shouting out that there was something under his bed, and calling for the priest to come and see him. He climbed up on the rails of his window and door, screaming at the height of his lungs; blood and froth came from his mouth. Keeper Hooper went to the Warden and called him out of his bed; it was near midnight. When the Warden arrived, the boy was still screaming. The Warden immediately said — 'open the door, till I bring this scoundrel out.' Hooper opened the door, and at Warden's desire, witness brought out Booshee, who was quite naked; the boy was laid on his back, and they tried to put a gag in his mouth, but did not succeed. The boy then told the Warden, in French, that he would be quiet, and he was put back into his cell. Warden told witness what boy said. The moment the boy was put back he became as bad as ever, crying out that something was under his bed. The Warden then ordered him to be taken out of his cell again; Hooper and witness held him down on the ground, and the Warden flogged him with a rope's end, as long as he could stand over him. The boy was very severely cut; the stripes broke the skin. Witness's shirt received so much blood from contact with the boy, that he had to change it next morning. The boy never left the cell afterwards, witness thinks, until he was declared insane, and sent to the Lower Canada Lunatic Asylum in the custody of witness."⁷⁸

Whilst the hon. gentleman was reading this case, the most profound sensation was excited in the House and galleries, and there were loud cries of "shame!" "infamous!" from many hon. members.⁷⁹

[MR. BROWN continued:] It is, Sir, for bringing to light such brutality as this that the Commissioners have been subjected to the aspersions of gentlemen opposite — it is for this our motives have been impugned, our integrity assailed. Sir, I have no desire to go on referring to such frightful brutalities — this book is full of them — but there is yet one other case to which I must allude. This is the charge of "goading Charlotte Reville, by excessive punishment, into a state of insanity, or aggravating the malady under which she laboured." This woman came to the Penitentiary in 1846, for three years. She was in bad health, with a tendency to insanity — frequently breaking out into violent paroxysms of rage — for which she was most severely punished. She was frequently and for long periods shut up in a dark cell to the aggravation of her malady — she was gagged again and again — and she was no fewer than nineteen times subjected to the torture of the box. (Cries of shame.) Every one knows the effect such treatment must have had on one at least pre-disposed to insanity. Mrs. Cox, the Matron of the institution gave this evidence in regard to Reville: —

"The only instance of gagging was in the case of Reville. It was done without the knowledge of witness. Mrs. Pollard reported her, and the Warden ordered the punishment, without reference to witness. She lost the use of her limbs in the box, and was carried to her cell, where she remained until she was sent to hospital by the Surgeon. She recovered the use of her limbs."

The Surgeon, Dr. Sampson, gave the following testimony: —

"Convict Reville is a very violent woman. Has understood that she has been frequently punished for her bad conduct; thinks the punishments she has received have been instrumental

in causing her illness; the restraints of punishment were productive of violent conduct on her part, and this violence aggravated her complaint."

Mrs. Cox testified that Reveille was insane — Mrs. Coulter testified that she was insane — Rev. R.V. Rogers, who constantly visited her, testified that she was insane — but Mrs. Pollard, Mrs. Martin, and Mrs. Chase did not think so. Now, sir, the Attorney General has endeavoured to make great capital from the omission from this part of our report Mrs. Chase's statement that she thought Reveille not insane. The answer to the charge is simply this, that the production of Chase as a witness in the case was just one of those tricks to which Mr. Warden Smith frequently resorted. Again and again were witnesses called to testify that they had never heard of or seen certain alleged transactions, and that they must have seen or heard them had they occurred — when on cross-examination it turned out, that the matter at issue occurred before they came to the prison or long after they left it. (Hear, hear.) And just so was it with this woman Chase. The Warden was charged with aggravating Reveille's insanity by the cruel punishments inflicted on her between 10th July, 1846 and 7th June, 1847 — while this woman Chase did not come to the Institution until Nov. 1847, and had no intercourse with Reveille until she was taken out of the hands of the Warden and placed under regimen as insane. (Hear, hear.) Were the Commissioners to close their eyes to so transparent an attempt at deception, and publish this woman's opinion in derogation of that of the physician? Sir, I think we might very well have rejected all the evidence produced on this score by the Warden; we might very well have contented ourselves with the official report of the surgeon; but we published every word of evidence he produced that fairly bore upon the case. (Hear, hear.) The hon. gentlemen opposite have always carefully omitted to tell the house the chief features of this case of Reveille. The Commissioners having called the Warden's attention to the frightful amount of punishment inflicted on this woman, the Warden met the charge by alleging that the punishments had not all been inflicted, though regularly recorded in his own handwriting. In support of this line of defence, he called his ever ready witness, Costen, and made him testify that, from certain pencil-marks opposite particular punishments, that he was convinced she was not punished on the days recorded. But, unfortunately for this hypothesis, Mr. Commissioner Thomas, and two other Commissioners, had inspected these very entries before the Warden's attention was called to the matter, and they were all confident that no such pencil-marks were then in existence; and the whole Court came unanimously to the conclusion that "the Warden had endeavoured to shield himself from the censure which his treatment of this woman so well deserved, by deliberate falsification of the prison records." Mr. Speaker, I might go through the other charges found against the Warden, but I have already trespassed too long on the indulgence of the house, and enough has come out to show the true character of the work which the Commissioners had on hand. I intended to have gone over the dark record of ... Mr. Warden Smith's falsifications and peculations. I intended to show that he falsified his books, made false returns to the Provincial and Imperial Governments, made false returns of the punishments inflicted on the victims of his barbarity — that, in the words of the whole Commission, "nothing could more forcibly depict the loose morality which has prevailed in the Prison than the fact that the official documents prepared by the chief officer of the establishment have been unworthy of reliance." I intended to have shown that he employed several convicts for years for his own personal uses, contrary to rule, and without paying for their labour; that for 8 years he robbed the public stores of food and forage for the maintenance of horses, cows, large numbers of hogs, large flocks of poultry, and all sort of live stock; that he bought articles from himself as Warden much under their value; that he sold articles to himself as Warden much over their value; and that he was guilty in many other ways of deliberate peculation. I intended to have shown that the cost of feeding 8 oxen and 4 horses in 1839 was but £114 6s 9d — while the same number in 1841 cost £369 17s 6d; that the feed of 17 animals cost in 1843 £212 14s 1d, while that of the same number in 1846 was charged to the Province as having cost the enormous sum of £608 16 9 or an average of £35 16s. 3d. for the feed of each ox, horse and cow in one year! But the most curious part of the matter was the weight of food we were asked to believe was consumed by the Penitentiary animals. Having observed the enormous cost of this department, we made up tables for each year of the weight of provender alleged to have been

consumed, and we found that if the Warden's Accounts were true, each animal in the year 1837, consumed 37 lbs. PER DAY; in 1838, 27 lbs.; in 1839, 18 lbs.; in 1840, 30 lbs.; in 1841, 65 lbs. (hear, hear); in 1842, 51 lbs.; in 1843, 30 lbs.; in 1844, 64 lbs.; in 1845, 43 lbs.; and in 1846, no less than 72 lbs. per day to each animal. (Hear, hear.) It was rather difficult to explain these facts, but Mr. Warden Smith got a man to do it. Here is the evidence given by Mr. Costen, Deputy Warden of the Institution — not in the way Mr. Smith and Mr. Hopkirk gave their evidence before the committee — but under the responsibility of a solemn oath before God, that he was telling the truth: —

“The provender actually consumed by each ox, per day in the Penitentiary, has been 27 lbs. hay, 32 lbs. potatoes or turnips, and 25 lbs. oats. The provender actually consumed by the cow, per day, has been 24 lbs. hay, 32 lbs. potatoes or turnips, and 17 lbs. oats. The provender actually consumed by each horse in the Penitentiary has been, per day, 20 lbs. hay, and 13 lbs. oats.”

We were actually called on to believe from this man Costen's oath, that each ox had eaten 84 lbs. of food every day for ten years — (hear, hear) — that each cow had eaten 73 lbs. per day — and each horse 33 lbs. — the average of these figures being, it will be observed, as nearly as possible the average alleged consumption according to the cash payments. And Mr. Warden Smith sat gravely by extracting this wicked perjury from the lips of his tool! Now, sir, mark what followed. Costen gave off these figures from a written memo. When the Warden had done with him, I asked Costen to show me the paper — he did so — I retained it, and began to cross-examine him. After eliciting that during the many years he was kitchen-keeper he overlooked daily the measuring of the fodder for the cattle by the convicts, this follows: —

“Ques. Have you seen the potatoes and turnips measured hundreds of times? Ans. Yes.

“Ques. Cannot you tell exactly, then, how much they got? Ans. Thinks it was a bushel of potatoes, per day, to each ox.

“Ques. What do you know about the oats? Ans. Has instructed the convicts as to the quantity of oats they should give the animals, per day.

“Ques. What quantity of oats did you instruct the convicts to give, per day, to each ox? Ans. Does not recollect.

“Ques. How much to each horse? Ans. Does not recollect.

“Ques. How much to the cow? Ans. Does not recollect.

“Ques. How much hay did you instruct the convicts to give to each animal? Ans. To the oxen twenty-seven pounds; to the horse cannot tell; to the cow cannot tell.

“Ques. What convicts did you so instruct? Ans. The man is not here; witness referred to the time he was kitchen-keeper.

“Ques. What was his name? Ans. There were different ones.

“Ques. What were their names? Ans. Does not recollect the names of any of them.

“Ques. Who made up the memorandum of weights, from which you swore so precisely to the quantities consumed, in your direct evidence? Ans. Witness ascertained them from the messenger (Thos. Smith), and from the stable convict.

“Ques. Which convict do you refer to? Ans. To Chapman and Armstrong.

“Ques. Which of them told you the quantity of food given to the oxen? Ans. Armstrong; also Smith, the messenger.

“Ques. If Smith swore before the Commission, that ‘he could not tell how much potatoes or turnips the oxen got,’ has he sworn different from what he told you? Ans. Smith told witness that the oxen got twenty-seven pounds of hay.

“Ques. If Smith swore before the Commissioners that he ‘never fed the oxen previous to the last three months,’ would his assurance be sufficient for one to swear as to the quantity of food given the oxen during the last ten years? Ans. Smith must have known the quantity

of food the oxen got; and witness trusted to his statement as to the hay and oats, and witness himself knew as the to [sic] turnips and potatoes.

"Ques. Then you made up the Return, from which you swore to-day, partly on the assurance of Smith, Chapman, and Armstrong, and partly from your own knowledge? Ans. Yes; they told witness the quantities they had been in the habit of giving to such animals.

"Ques. What part was from your own knowledge? Ans. The potatoes, and turnips, and oats.

"Ques. What weight of potatoes did you put in the said statement as supplied daily to the oxen, from your own knowledge? Ans. Cannot recollect.

"Ques. What weight did you so put down for the cow, from your own knowledge? Ans. Cannot recollect.

"Ques. What to the horses? Ans. Cannot recollect.

"Ques. When was the said statement made up? Ans. Cannot tell.

"Ques. Was it within the last week? Ans. No.

"Ques. Was it within the last month? Ans. Cannot say.

"Ques. Was it within the last two months? Ans. Does not know.

"Ques. Was it within the last three months? Ans. Yes.

"Ques. How long has Armstrong been in the stable in charge of the oxen? Ans. A little over two months.

"Ques. How did it happen that your memory was so good then, as to precise quantities, running over a period of years, and that now you recollect nothing of the matter? Ans. Made inquiry at the stable.

"Ques. How did you swear you gave express orders as to these particular quantities, when now, it appears, you only got them from the stable? Ans. Found, on inquiry at the stable, that the quantity now furnished was the same as witness issued when he was in charge of that department.

"Ques. How did you know the quantity you issued when you were in charge, so as to compare it with the quantity now issued? Ans. Took it as near as he could recollect at the time.

"Ques. What quantities did you recollect you had issued? Ans. Cannot precisely say now.

"Ques. Why cannot you recollect them as well now as you did then? Ans. Does not recollect.

"Ques. Can you swear distinctly to the quantity of food given within your knowledge, on any one day, to each of the oxen? Ans. Cannot recollect; but refers to the answer, as given from his written statement, in his direct examination.

"Ques. Can you swear distinctly to the quantity of food given within your knowledge, on any one day, to the cow? Ans. Answers as he did in regard to the oxen.

"Ques. Can you as to the horses? Ans. Answers as before.

"Ques. How many pounds of food do you think an ox could eat in a day? Ans. Can only answer from his written statement, so often referred to.

"Ques. Do you think an ox could eat its own weight in five days? Ans. Cannot say."

The character of the evidence we had to deal with in making our enquiries may be gathered from this sample, and it is only a sample. The man who deliberately swore before God to these falsehoods was the second officer of the institution, — the person placed there to reform criminals, who were suffering punishment for such comparatively petty crimes as larceny, assault, &c., when contrasted with what this man was guilty of. This man Costen may be taken as a specimen of those who had control of the institution, and who, when the Commission was at an end, were still in charge of it. Such were the men we had to purge it of. Such were the men, because of whose discharge, long after the Commission closed and we were installed as Inspectors, the Attorney General and his Committee-men have dared to bring against us the charge of subornation of perjury!¹⁸⁰

Mr. Brown went on at great length to narrate all the circumstances connected with the adoption of the Commissioners' report by Government — the charges preferred by Mr. Smith and dismissed by Government — and to criticise the conduct of the Attorney-General and the Committee on his charges.⁸¹ [He] referred to the evidence of the Committee, and endeavored to show that the statements in the majority report were inconsistent with the facts. He said he did not ask the Committee to say he was not guilty — but he asked them to say guilty if they dared.⁸²

MR. AT. GEN. CARTIER rose to move the adjournment of the House, naming Saturday as the day for resuming the subject.⁸³

SIR A. MACNAB, [and] MESSRS. J.S. MACDONALD, RANKIN, and GAMBLE⁸⁴ objected to an adjournment unless Government would allow the discussion to be resumed to-morrow.⁸⁵

The ministry objected that Friday belonged to them, and should not be interfered with.⁸⁶

MR. SICOTTE the SPEAKER said, as this was a matter which had arisen by a member of the Government, the members of the Government should not object to take up this question to-morrow.⁸⁷

The motion for adjournment was [then] carried⁸⁸.

(671)

The Honorable Mr. Attorney General *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bowes, Burton, Attorney General Cartier, Cauchon, Cayley, Chisholm, Conger, Crysler, Dostaler, Dufresne, Ferres, Fournier, Guévremont, Labelle, Laporte, Larwill, Lemieux, McCann, Mongenais, Angus Morrison, Polette, Pouliot, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Terrill, Turcotte, and Yeilding.* — (35.)

NAYS.

Messieurs *Aikins, Brown, Bureau, Christie, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Felton, Foley, Frazer, Freeman, Gamble, Hartman, Holton, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, Marchildon, Munro, Murney, Niles, Patrick, Prévost, Rankin, Rolph, Scatcherd, Valois, Wilson, and Wright.* — (32.)

So it was resolved in the Affirmative.

The House adjourned accordingly.⁸⁹

Footnotes

1. *Toronto Daily Leader*, 20 June 1856.
2. *Toronto Daily Leader*, 20 June 1856. This newspaper does not specify which of the two Solicitors General spoke.
3. *Toronto Daily Leader*, 20 June 1856.
4. *Toronto Daily Leader*, 20 June 1856. This newspaper does not specify whether this statement was made by Mr. J.A. Macdonald or Mr. J.S. Macdonald.
5. *Toronto Daily Leader*, 20 June 1856.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*

10. *Toronto Daily Leader*, 20 June 1856.
11. *Globe*, 20 June 1856.
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Toronto Daily Leader*, 20 June 1856.
17. *Globe*, 20 June 1856. Mr. Terrill's introduction in the House is inserted at this point of the routine business following the sequence of proceedings reported in the *Globe*.
18. *Globe*, 20 June 1856.
19. *Toronto Daily Leader*, 21 June 1856, reports that "after som[e] discussion, several clauses were struck from the bill".
20. *Montreal Gazette*, 24 June 1856, provides a commentary regarding this report.
21. *Globe*, 20 June 1856.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. This Bill was originally brought in by Mr. Loranger.
26. *Globe*, 20 June 1856, differs from the *Journals* and reports that the motion was seconded by Mr. Mackenzie. *Toronto Daily Leader*, 21 June 1856, simply remarks that Mr. Mackenzie opposed the Bill.
27. This Bill was originally brought in by Mr. Cameron.
28. *Toronto Daily Leader*, 21 June 1856, remarks that Mr. Mackenzie opposed this Bill.
29. *Toronto Daily Leader*, 21 June 1856.
30. *Ibid.*
31. *Toronto Daily Leader*, 21 June 1856. *Mackenzie's Weekly Message*, 4 July 1856, reports a commentary written by Mr. Mackenzie himself, in which he states: "Last week I tried to persuade the Assembly to allow all to practise law who had satisfactory certificates of character and were able to stand a proper examination. So narrow are men's views here, that not one member would second my motion!"
32. *Globe*, 20 June 1856.
33. *Ibid.*
34. *Globe*, 20 June 1856, and *Toronto Daily Leader*, 21 June 1856, both report a brief amount of information regarding this Bill which differs from that found in the *Journals*. The *Toronto Daily Leader* reports that the Bill was "read a third time, on a division, Mr. Mackenzie and Mr. Marchildon voting against it." The *Globe* reports that "Mr. Mackenzie called for a division", and that the "third reading [was] carried by 45 to 2."
35. This Bill was originally brought in by Mr. Cameron.
36. *Globe*, 20 June 1856.
37. *Globe*, 20 June 1856. This Bill was originally brought in by Mr. Cameron.
38. *Globe*, 20 June 1856.
39. *Montreal Gazette*, 24 June 1856, remarks in a commentary that 19 June "being the last day of the 19th year of our good Queen's reign, the Governor General came down and gave the royal assent to a long list of bills".
40. *Toronto Daily Leader*, 21 June 1856. *Globe*, 23 June 1856, differs from this newspaper and reports that "the house met at half past seven".
41. *Globe*, 23 June 1856. In a commentary, *Globe*, 20 June 1856, reports the following information: "The Penitentiary case of Mr. Brown was set down as the first order for yesterday, but a number of third readings and other routine business occupied the time from twelve o'clock, when the House met, till half-past three, when the Governor General came down to give his assent to a large number of Bills. This ceremony lasted till nearly five o'clock, and the House did not resume its sittings till half-past seven. The order of the day was then read to a very thin House." In his long speech of this day, Mr. Brown also refers to the absence of many members from the House.
42. *Globe*, 23 June 1856.
43. *Toronto Daily Leader*, 21 June 1856.
44. *Globe*, 23 June 1856.
45. *Toronto Daily Leader*, 21 June 1856.
46. *Globe*, 23 June 1856.
47. *Toronto Daily Leader*, 21 June 1856.
48. *Globe*, 23 June 1856. *Toronto Daily Leader*, 21 June 1856, notes that Mr. A. Dorion "spoke at some length".

In a commentary, *Globe*, 20 June 1856, summarizes this speech in the following manner: "Mr. A.A. Dorion opened the debate in French, reviewing the facts of the case, showing that there was not the slightest evidence to support the charges

made by Mr. Macdonald, and that the Committee had not done justice to Mr. Brown, when they passed off from these charges, to make others, which they were not directed to enquire into. These, however, they had given no evidence to sustain; and the only course open for members of the House was to vote for the motion of the member for London, rejecting the majority report." *Toronto Daily Leader*, 21 June 1856, also finishes its report of this speech by stating that Mr. Dorion contended "that the committee had not decided in their report on the only question submitted to it, viz., the guilt or innocence of Mr. Brown, and therefore it should not be received."

49. *Toronto Daily Leader*, 21 June 1856.
50. *Globe*, 23 June 1856.
51. *Toronto Daily Leader*, 21 June 1856.
52. *Globe*, 23 June 1856.
53. *Toronto Daily Leader*, 21 June 1856.
54. *Globe*, 23 June 1856.
55. *Toronto Daily Leader*, 21 June 1856.
56. *Globe*, 23 June 1856.
57. *Toronto Daily Leader*, 21 June 1856.
58. *Ibid.*
59. *Globe*, 23 June 1856.
60. *Toronto Daily Leader*, 20 June 1856.
61. *Globe*, 23 June 1856. *Toronto Daily Leader*, 20 June 1856, also reports that "the hon. member did not ... press the question."
62. *Globe*, 23 June 1856.
63. *Ibid.*
64. *Globe*, 23 June 1856. At this point, the newspaper adds in footnote that "a large number of Ministerial members were away on an excursion in the steamer *Peerless*."
65. *Globe*, 23 June 1856.
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*
69. *Globe*, 23 June 1856. The ellipsis has been reprinted as it appears in Mr. Brown's speech in this newspaper.
70. *Globe*, 23 June 1856.
71. *Ibid.*
72. *Ibid.*
73. *Ibid.*
74. *Ibid.*
75. *Ibid.*
76. *Globe*, 23 June 1856. The ellipses have been reprinted as they appear in Mr. Brown's speech in this newspaper.
77. *Globe*, 23 June 1856. This paper does not report more specific information, but it can be inferred from the subject of the debate, and from some commentary reports, that the laughter came from Mr. J.A. Macdonald and Mr. H. Smith.
78. *Globe*, 23 June 1856.
79. *Ibid.*
80. *Ibid.*
81. *Globe*, 23 June 1856. This newspaper only reports this brief summary of the end of Mr. Brown's speech, noting that "we must defer the remainder till to-morrow". Unfortunately, the end of this debate was never published in the *Globe's* issue of 24 June, nor in any subsequent issues. Furthermore, no other newspaper reported a verbatim account of it. As a result, the reconstitution of this final part was achieved by joining excerpts of the summaries reported in *Globe*, 20 June 1856, and *Toronto Daily Leader*, 20 June 1856.
82. *Toronto Daily Leader*, 20 June 1856. *Telegraph (Montreal Gazette)*, 21 June 1856 reports that "Mr. Brown answered the House from 9 p.m. until half-past 1 a.m."

In its commentary, *Globe*, 20 June 1856, reports the following information regarding Mr. Brown's speech: "He kept the attention of the House, and a large audience in the galleries, fixed for four hours, as he entered into a minute detail of the proceedings of the Penitentiary Commission, impugned by Mr. Macdonald and his packed Committee, and delivered a most energetic denunciation of the infamous report made upon them.... He then went on to speak of the manner in which the enquiry was carried on, and then assailed the conduct of Mr. Macdonald and his packed Committee. He dissected the report of the Committee, clause by clause, and laid bare the infamous wickedness of the men who were called upon to decide whether he was guilty or not guilty of forgery and subornation of perjury, and who evaded the issue and took up other points not referred to them, by which they left it to be inferred that he was guilty of all. We can give no idea of the force of the philippic and the appeal for justice from the House without a full report, which we hope to be

able to publish to-morrow. They were received by the House with enthusiastic applause, and the galleries, well filled even at the late hour of half-past one, could not help joining in the cheer."

Montreal Gazette, 24 June 1856, reports the following comment: "Mr. Brown made a long and very able speech of four and a-half hours in his own defence. He very ingeniously assumed the position that the doings of the Commission as a whole were assailed, and set to work to shew how much cause there was for an investigation, and how great and salutary were the reforms instituted by the Commissioners claiming that they deserve credit rather than blame for what they did there. He made out a very strong case indeed in this regard. But this is entirely a side issue. Many a murderer has sought to justify his act upon the ground that the man deserved to die, and so argued that the end justified the means. When Mr. Brown came to the answer of the special charges brought against him, he was not ... so entirely successful."

Mackenzie's Weekly Message, 27 June 1856, comments that "Mr. Brown's defence to the charges preferred against him by Messrs. Smith and Macdonald of Kingston was ... the finest and most impressive address delivered during the present session. It was real, earnest eloquence, of a high order too, and in a good cause." *Western Planet*, 30 June 1856, also reports a short commentary.

83. *Globe*, 20 June 1856. *Toronto Daily Leader*, 20 June 1856, reports that "Mr. Cartier moved an adjournment as it was now twenty minutes to 2 o'clock."
84. *Globe*, 20 June 1856.
85. *Toronto Daily Leader*, 20 June 1856. This newspaper does not give the names of the members who spoke, but simply reports that "several members" objected to the adjournment.
86. *Globe*, 20 June 1856. *Toronto Daily Leader*, 20 June 1856, likewise reports that "the Government objected."
87. *Toronto Daily Leader*, 20 June 1856.
88. *Ibid.*
89. *Globe*, 20 June 1856, reports that "the ministry had only a majority of three, the vote being 35 to 32. The House then broke up in confusion, Ministers being evidently deeply distressed at the attitude in which they were displayed to the House."

None of the newspapers report at what time the House adjourned. If, however, as indicated in the *Toronto Daily Leader*, 20 June 1856, the motion to adjourn was proposed at twenty minutes to two o'clock, the House must have adjourned around two o'clock in the morning.

FRIDAY, 20 JUNE 1856

(672)

THE following Petition was brought up, and laid on the table: —

By the Honorable Mr. *Cayley*, — The Petition of the Municipality of the Township of *McGillivray*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Municipal Council of the County of *Beauce*; praying that the Parish of *St. François* may be made the chief place of the Judiciary District of *Beauce*.

Of *A.B. Lafrenière* and others, of the Parish of *St. Guillaume*; praying that the said Parish may be annexed to the Town of *Sorel* for Judicial purposes.

Of the Municipal Council of the County of *Nicolet*; praying for aid to repair the Bridge over the River *Nicolet*.

Mr. *Felton*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-fourth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to confirm the respective Titles of *George Robinson Van Norman*, and others, to certain lands in *Windham* and *Simcoe*, in the County of *Norfolk*, and have agreed to report the same, without any amendment.

They have also examined the Bill to legalize a certain By-Law of the Municipal Council of the Township of *Cornwall*, and find the Preamble not proven, inasmuch as the By-Law in question is not in accordance with the Petition of the rate-payers upon which it was passed, and the Council of the Municipality have it in their power to remedy the defect.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-fifth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to vest certain portions of certain original allowances for Roads in the Township of *Saltfleet*, in the County of *Wentworth*, in *John Robert Martin*, his heirs and assigns, in lieu of certain portions of lots thirty and thirty-one in the third Concession of the said Township, taken and used for such Roads, and they have agreed to certain amendments for leaving out from the Bill such of the said portions of Road allowance, the closing of which would shut out adjacent proprietors from the Road.

They have also examined the Bill to incorporate the *British Farmers' Union Insurance Company*, and have agreed to the same, with several amendments; and the Bill to erect part of the Township of *Chatham*, in the County of *Argenteuil*, into a separate Municipality, with one amendment; all which amendments they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to confirm the respective Titles of *George Robinson Van Norman*, and others, to certain lands in *Windham* and *Simcoe*, in the County of *Norfolk*, be read the third time To-morrow.

Ordered, That the Bill to erect part of the Township of *Chatham*, in the County of *Argenteuil*, into a separate Municipality, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. BELLINGHAM,¹

(672)

Resolved, That this House will immediately resolve itself into the said Committee.

(673)

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Felton* reported, That the Committee had gone through the Bill, and made an amendment thereunto.²

Ordered, That the Report be now received.

Mr. *Felton* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

MR. A. DORION gave notice that he will to-morrow, on the motion for the third reading of the Bill, move that the division of the township be only made after the consent of a majority of the inhabitants has been obtained.³

(673)

The Honorable Mr. Attorney General *Cartier*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth: —

Your Committee have considered the Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway, referred to them, and have amended the same, which amendments they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Mongenaïs* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Bill to incorporate the *British Farmers' Union Insurance Company*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Thomas Fortier* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Mr. *Crysler* moved, seconded by Mr. *Chisholm*, and the Question being put, That it be an Instruction to the Standing Committee on Miscellaneous Private Bills, to report to this House, To-morrow, the evidence taken, which has moved the Committee to report, that the Preamble of the Bill to legalize a certain By-Law of the Municipal Council of the Township of *Cornwall*, has not been proven; the House divided: — And it was resolved in the Affirmative.

On motion of Mr. *Chisholm*, seconded by Mr. *Crysler*,

Ordered, That the time for receiving Reports on Private or Local Bills, be further extended to Thursday next.

(674)

Ordered, That the Bill to vest certain portions of original allowances for Roads in the Township of *Saltfleet*, in the County of *Wentworth*, in *John Robert Martin*, his heirs and assigns, in lieu of certain portions of lots thirty and thirty-one in the third Concession of said Township, taken and used for such Roads, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Chisholm* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Twenty-third Report of the said Committee; which was read, as followeth: —

Your Committee have given their careful consideration to the reference for printing the Maps and Plans relating to the projected *Caughnawaga* Canal, and improvements of the *St. Lawrence* Rapids, and beg to submit the following Estimate, made by order of Your Committee, of the comparative cost of 500 and 1000 copies, lithographed on fine paper, the work to be of the best description, by Messieurs *Maclear* and Co., of this City.

ESTIMATE.

	500 COPIES.						1000 COPIES.					
	In Black.			In Tints.			In Black.			In Tints.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Plan of Survey[s] No. 1 and 2, 1 sheet, 4 tints	25	0	0	45	0	0	32	10	0	72	10	0
Plan of Survey No. 3, 1 sheet, 4 tints	40	0	0	60	0	0	50	0	0	90	0	0
Plan of Survey No. 4, 1 sheet, 3 tints	35	0	0	50	0	0	47	10	0	87	10	0
Plan of Survey No. 5, 1 sheet, 4 tints	37	10	0	57	10	0	45	0	0	85	0	0
Diagram Maps, 2 sheets, 5 tints ...	40	0	0	90	0	0	50	0	0	150	0	0
Plan of the St. Lawrence, 21 feet in length, 7 sheets, 4 tints	125	0	0	265	0	0	200	0	0	480	0	0
£	302	10	0	567	10	0	425	0	0	965	0	0

Charge for tinting, 20s. per 100 sheets.

By this estimate 500 copies tinted will cost the sum of Five hundred and sixty-seven pounds ten shillings, and 1000 copies, 500 tinted and 500 in black, will cost Six hundred and ninety pounds; and 1000 tinted will cost Nine hundred and sixty-five pounds.

While Your Committee are of opinion that the publication of these Plans and Maps is of great public importance, they hesitate on account of the large expenditure required, to make a recommendation in the ordinary way; and, therefore, while submitting for the consideration of Your Honorable House, the several Estimates, would simply express an opinion that 750 copies tinted would be sufficient number for the use of the Members of the House, to be bound separately in Atlas form with pasteboard covers, and not to be bound up as an Appendix to the Journals.

Whatever may be the order of Your Honorable House, in case the work is to be performed, Your Committee have given orders that the strictest economy shall be used (consistent with the proper execution of the work) in the carrying out such order.

Ordered, That the said Report be printed for the use of the Members of this House.

A Bill to incorporate certain persons under the style and title of the *Toronto* and *Georgian Bay* Canal Company, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the *Toronto* and *Georgian Bay* Canal Company."

Ordered, That Mr. *Angus Morrison* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend the Act to enable Ministers of the Evangelical *Lutheran* Church in this Province to solemnize Matrimony, and to keep Registers of Marriages, Baptisms, and Burials, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Wright* do carry the Bill to the Legislative Council, and desire their concurrence.

MR. INSP. GEN. CAYLEY moved the second reading of the bill providing further aid to complete the Grand Trunk Railway.⁴

MR. MACKENZIE objected to the motion as being out of order. The next item on the order of the day was the resumption of the adjourned debate on Mr. Ferres's motion, "That the report of the committee on certain charges made against Mr. George Brown, be now received" and on Mr. Wilson's amendment thereto, and on Mr. Felton's amendment to that of Mr. Wilson. The hon. gentleman strongly denounced the conduct of the Government in not at once taking up this question which so much affected the honor of one or more hon. gentlemen in that house. If there were those upon this floor who care nothing for reputation; they certainly ought never to have granted that committee. But they had granted that committee and that committee having reported in such a way as to fix a stigma upon the character of one gentleman whose character he thought should not have a stigma fixed upon it, he was bound therefore to object to that report lying over that they might go on with any mere trumpery bills.⁵

MR. SICOTTE the SPEAKER stated that it was now a standing rule of the House to take up Government business on three days of the week, and therefore no objection could be valid to their proceeding with the orders of the day.⁶

MR. MACKENZIE [then] objected to the bill being proceeded with, on the ground that rule 57, which enjoined that all bills referring to both sections of the Province should be printed in French and English had not been complied with. The Bill had not been printed in French.⁷

SIR A. MACNAB said that the objection was absurd, as the resolutions had been printed in French; and the Bill is composed of the preamble and those resolutions only.⁸

MR. SICOTTE the SPEAKER said that as no members speaking the French language had objected, perhaps Mr. Mackenzie would withdraw his objection.⁹

MR. MACKENZIE would not.¹⁰

MR. INSP. GEN. CAYLEY called the attention of the House to the fact that, when a motion was made by a French gentleman only a short time since for printing an important document in French, he was induced to withdraw that motion for the purpose of expediting the business of the House, and he hoped that Mr. Mackenzie would withdraw his objection in the present instance for the same purpose.¹¹

SIR A. MACNAB moved that the rule be suspended.¹²

MR. MACKENZIE objected to the motion as no notice of it had been given.¹³

MR. SICOTTE the SPEAKER sustained the objection.¹⁴

(675)

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to amend the Act to alter and amend the Act regulating the practice of the County Courts in *Upper Canada*, and to extend the Jurisdiction thereof," being read;

MR. SOL. GEN. H. SMITH moved the second reading of the bill¹⁵.

MR. MACKENZIE ... [said] a few words¹⁶.

The motion was complied with¹⁷.

- (675) The Bill was accordingly read a second time.
 Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regard the same.
 The Bill was accordingly read the third time.
 Resolved, That the Bill do pass.
 Ordered, That Mr. Solicitor General *Smith* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

[On motion of] MR. SOL. GEN. H. SMITH¹⁸,

- (675) The House, according to Order, resolved itself into a Committee on the Bill to simplify and expedite the proceedings in the County Courts in *Upper Canada*, and to alter and amend the Law in relation to those Courts;

MR. MACKENZIE would wish a little explanation from the lawyers about some new fees which the Bill would give to sheriffs, or clerks, or some other people of that kind.¹⁹

MR. J.S. MACDONALD said lawyers' fees had not been increased one farthing for the last ten years; and the real effect of the present measure was to diminish their [sic] fees of the County Court lawyers. His only objection to the measure before the House had reference to the ... of increasing the salaries of the County Court judges.²⁰ The bill would increase the public expense, as whatever additional fees were paid to the County Judges would be taken away from the Superior Courts.²¹

MESSRS. FREEMAN and FOLEY objected to that part of the Bill which increased the salary of Mr. Mackenzie, County Clerk of the Counties of York and Peel, by £100.²²

MR. CONGER defended the amount of fees received by the sheriffs, as moderate in amount.²³

MR. FREEMAN moved that the amount of the sheriff's levy on making an execution be reduced from 1s. to 9d. in the pound.²⁴

MR. SOL. GEN. H. SMITH said the shrievalty was very risky, and deserved a liberal remuneration. He would oppose the amendment.²⁵

Mr. Freeman's amendment was put and lost by 25 to 17.²⁶

MR. HARTMAN ... [made] some observations²⁷.

MR. SOL. GEN. H. SMITH explained that the £100 proposed to be granted to Mr. Mackenzie was out of the fee fund, as compensation for that gentleman's not holding the office of Clerk of Assize, which was attached to the office of County Clerk in other Counties. Mr. Mackenzie's fees as County Clerk did not pay him, and he could not hold the other office, as it was held for life by Mr. Campbell.²⁸

MR. FREEMAN moved to expunge the 25th clause, giving the additional salary to Mr. Mackenzie.²⁹

[The motion was] lost by 24 to 16.³⁰

The Bill then passed through committee.³¹

- (675) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *James Smith* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Mr. Solicitor General *Smith* moved, seconded by the Honorable Mr. *Spence*, and the Question being proposed, That the Bill be now read the third time, and the Rules of this House suspended as regards the same;

Mr. *Mackenzie* moved in amendment to the Question, seconded by Mr. *James Smith*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of leaving out the twenty-fifth Clause" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(675-676)

YEAS.

Messieurs *Aikins*, *Biggar*, *Brown*, *Christie*, *Cook*, *Charles Daoust*, *Darche*, *Jean B.E. Dorion*, *Foley*, *Freeman*, *Gamble*, *Hartman*, *Jobin*, *Lumsden*, *Mackenzie*, *Marchildon*, *Munro*, *Niles*, *Papin*, *Patrick*, *James Smith*, and *Southwick*. — (22.)

(676)

NAYS.

Messieurs *Bell*, *Bowes*, Attorney General *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Chapais*, *Chisholm*, *Conger*, *Crawford*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dufresne*, *Evanturel*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Guévremont*, *Laporte*, *LeBoutillier*, *Lemieux*, *John S. Macdonald*, *Roderick McDonald*, *Sir A.N. MacNab*, *McCann*, *O'Farrell*, *Polette*, *Poulin*, *Pouliot*, *Rhodes*, *Robinson*, *Roblin*, Solicitor General *Ross*, Solicitor General *Smith*, *Spence*, *Stevenson*, *Terrill*, and *Thibaudeau*. — (41.)

So it passed in the Negative.³²

And the Question being again proposed, That the Bill be now read the third time, and the Rules of this House suspended as regards the same;

Mr. *Mackenzie* moved in amendment to the Question, seconded by Mr. *Aikins*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of amending the twenty-fourth Clause, so that the Sheriffs' Fees shall be nine pence in the pound instead of one shilling" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Biggar*, *Bowes*, *Brown*, *Christie*, *Cook*, *Charles Daoust*, *Darche*, *Jean B.E. Dorion*, *Foley*, *Freeman*, *Gamble*, *Hartman*, *Jobin*, *Lumsden*, *John S. Macdonald*, *Mackenzie*, *Marchildon*, *Munro*, *Papin*, *Patrick*, *Powell*, *James Smith*, *Southwick*, *Stevenson*, *Valois*, and *Wright*. — (27.)

NAYS.

Messieurs *Bell*, Attorney General *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Chapais*, *Conger*, *Crawford*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Gill*, *Guévremont*, *Laporte*, *LeBoutillier*, *Lemieux*, *Roderick McDonald*, *Sir A.N. MacNab*, *McCann*, *Mongenais*, *Niles*, *Polette*, *Poulin*, *Pouliot*, *Rhodes*, *Robinson*, *Roblin*, Solicitor General *Ross*, Solicitor General *Smith*, *Spence*, *Taché*, *Terrill*, and *Thibaudeau*. — (38.)

So it passed in the Negative.

MR. J.S. MACDONALD called attention to the systematic carriage of measures by Lower Canadian majorities, which affected Upper Canada alone³³. [He] wished to know how long this system of ruling by a sectional majority was to be continued. Here was a vote of 21 against 10 [sic] Upper Canada members, thus showing that these burdens imposed in that bill are forced upon us by the members for Lower Canada.³⁴ [He] asked the Government when the motion of Hon. Attorney General Macdonald would come regarding this subject. Perhaps, as the member for Simcoe sat with the Government, he would answer the question. (Laughter.)³⁵

MR. ROBINSON said the only answer he could give was one frequently given in such cases. The subject is under consideration. (Laughter.)³⁶

- (676) Then the main Question being put;
Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.
 The Bill was accordingly read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.
- (677) A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —
 Mr. Speaker,
 The Legislative Council have passed the Bill, intituled, "An Act to amend and consolidate the Acts relating to the Commercial Bank of the Midland District, and to change its corporate name to the 'Commercial Bank of *Canada*,'" with an Amendment, to which they desire the concurrence of this House.
 And then he withdrew.

SIR A. MACNAB said it has been stated that there are more members of this house than one having existing contracts with the Postmaster General. He was bound to believe that it was not the case. He would therefore move that the Postmaster General do prepare for the information of this house, and communicate without delay, a list of all the contractors performing any duty or service in connection with the Post Office Department, whose contracts have been entered into since the 15th [sic] of June, 1854, to 15th June, 1856.³⁷

MR. POST. GEN. SPENCE wished to inform the house that the report of the Post office Department just printed contained a list of all the contractors with the Post office Department for the year ending 31st March, 1855.³⁸

MR. HOLTON said it must be obvious that the report of the Postmaster General does not include the information sought for by the hon. and gallant knight, for the contract of the hon. member for Ontario [Mr. Gould] was only entered into within the last few weeks past, while that report brings the information no farther down than 1855.³⁹

MR. POST. GEN. SPENCE. — I wish to state that the service of that gentleman commenced on 1st January, 1855.⁴⁰

MR. HOLTON wished to understand how it was that the service commenced on the 1st January, 1855, when the contract was only executed in March, 1856. He thought the return made by the Postmaster General should show the dates at which all these contracts were executed.⁴¹

MR. SOL. GEN. H. SMITH said the mere fact of the Postmaster General signing these contracts was of no consequence, because there may be 30 or 40 of them all done at one time. It is no part of the essence of the contract the signature of the Postmaster General.⁴²

MR. FOLEY. — Is mutuality not in the essence of the contract?⁴³

MR. POST. GEN. SPENCE said the matter of agreement was made with Mr. Gould in Dec., 1854.⁴⁴

MR. FOLEY thought it very strange that this contract should have been lying over from 1855, and had never been signed until March, 1856 by the Postmaster General. It was indeed very singular that it should have occurred to the Postmaster General to bring up this contract of Mr. Gould just when it was necessary to make a seat vacant.⁴⁵

MR. POST. GEN. SPENCE. — Had this been the only contract which was brought up at that time, it might have appeared singular, as stated by the hon. member for Waterloo, but there were 70 of them signed on that same day. — These are the mere quarterly agreements entered into with the various Inspectors and returned to the department at stated periods. It is not to be supposed that the Post Master General can personally enter into written arrangements with the 600 or 800 different persons who do small mail services for the Post Office. That is the duty of the Inspectors. It was not fair therefore for the hon. member for Waterloo to insinuate that Mr. Gould's contract was the only contract signed that morning.⁴⁶

MR. FOLEY. — If the hon. gentleman can show that any of these contracts were in the same position as Mr. Gould's that will help the matter.⁴⁷

MR. HARTMAN was not very clear upon the subject. It did appear very singular that the very day on which the contract was signed by the Inspector General it struck him that Mr. Gould was placing himself in an awkward position, while the fact was that that contract did not affect the hon. member's seat until it had received the signature of the Post Master General. He would therefore to obviate difficulty move that the several Heads of Departments do prepare for the consideration of this House a list of all contractors performing any service with their several department[s] whose contracts are now subsisting, or have been entered into since June, 1854.⁴⁸

[The motion was] seconded by MR. MACKENZIE⁴⁹.

MR. SOL. GEN. H. SMITH said, upon the day in question the Inspector General brought with him a number of contracts to the Government House, which he had signed or was in the act of signing. In going over these contracts he mentioned — “that is Mr. Gould's contract.” He (Mr. Smith) was not aware at the time that Mr. Gould had a contract with the department, and the Attorney General did not know that it would affect the seat of the hon. member.⁵⁰

MR. HARTMAN was led to make the remark from the fact of the Postmaster General having stated some time ago that he called the attention of the Attorney General to it, having seen Mr. Gould's name connected with it when signing it.⁵¹

MR. POST. GEN. SPENCE. — The hon. gentleman is quite correct. The hon. Solicitor General is only right so far. He (Mr. Spence) did ask the Attorney General's opinion as to the effect of that contract on Mr. Gould's seat.⁵²

MR. HARTMAN. — Before signing it?⁵³

MR. MACKENZIE wondered why Mr. Spence did not know that contract was in existence when it is stated in this last report of his department. Was it not the duty of the Postmaster General to have asked his brother member before signing that contract if he had considered what effect it would have upon his seat. Would it not have been proper for that hon. gentleman, knowing that the Government contract might have caused some trouble here — to see into this before signing it. It looked very like an attempt to unseat the member.⁵⁴

No opposition having been given both motions were carried.⁵⁵

(677)

On motion of the Honorable Sir *Allan N. MacNab*, seconded by the Honorable Mr. *Chabot*, *Ordered*, That the Post Master General do prepare, for the information of this House, and communicate without delay, a List of all the Contractors for performing any duty or service in connection with the Post Office Department, whose Contracts are now subsisting or have been entered into from the 23rd June, 1854, to the 15th June, 1856.

On motion of Mr. *Hartman*, seconded by Mr. *Mackenzie*,

Ordered, That the several Heads of Departments, the Post Office Department excepted, do prepare for the information of this House, and communicate without delay, a List of all the Contractors for performing any duty or service in connection with their several Departments, whose Contracts are now subsisting or have been entered into since the 23rd June, 1854.

The Honorable Mr. *Terrill*, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, — Supplementary Return to an Address from the Legislative Assembly of the 9th April last, for copies of all Correspondence and Reports of Superintendents of Education, relative to School Grants in *Upper Canada* and *Lower Canada*.

For the said Return, see Appendix (No. 24.)

Mr. Speaker acquainted the House, That the Clerk of this House had received from the Clerk of the Crown in Chancery, the following Certificate: —

Province of *Canada*.

This is to certify, that in virtue of a Writ of Election, dated the twenty-seventh day of May last past, issued by His Excellency the Governor General, and addressed to the Sheriff of the United Counties of *Lincoln* and *Welland*, *W. Kingsmill*, Esquire, Returning Officer *ex-officio* for the Town of *Niagara*, for the election of a Member to represent the said Town of *Niagara* in the Legislative Assembly of this Province, in this present Parliament, in the room of the Honorable *Joseph Curran Morrison*, who, since his election as the Representative of the said Town, had accepted an Office of profit under the Crown, to wit: the Office of Receiver General of the said Province, by means whereof the seat of the said Honorable *Joseph Curran Morrison* had become vacant, the Honorable *Joseph Curran Morrison* has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the twentieth day of June instant, which is now lodged of record in this Office.

Office of the Clerk of the Crown in Chancery.

Toronto, 20th June, 1856.

L.R. Fortier,

Deputy Clerk of the Crown in Chancery.

W.B. Lindsay, Esquire,
Clerk, Legislative Assembly,
Toronto.

(678)

The Order of the day for the second reading of the Bill to grant additional Aid to the Grand Trunk Railway Company of *Canada*, being read;

MR. INSP. GEN. CAYLEY moved the second reading of this Bill, — copies of it in French having been meanwhile supplied to the House.⁵⁶

MR. MACKENZIE said he intended to move that it be read a second time this day six months, but as it was within a few minutes of six o'clock he would wait until after the recess. The hon. member then went on to denounce the bill⁵⁷ —

[At] six o'clock, ... MR. SICOTTE the SPEAKER left the chair.⁵⁸

MR. SICOTTE the SPEAKER having taken the chair,⁵⁹

MR. MACKENZIE resumed.⁶⁰ — [He] deprecated the extravagance manifested in building the Victoria Bridge⁶¹. He said that, originally, the Victoria Bridge was to have been constructed free of cost to the province. Then again, when we gave £500,000 additional, it was stated that no portion of that sum was to have been spent on the erection of the bridge. Whereas it now appeared, that this Grand

Trunk Company, whose line was built at the expense of the Province, were to have this bridge built by the Province and then take sole possession of the bridge and charge what tolls they liked?⁶²

MR. AT. GEN. CARTIER explained that the Victoria Bridge was part of the original undertaking of the Grand Trunk Company; and the rate of tolls to be levied on the railway were to emanate from the Board of Directors, and to be submitted for the approval of the Governor in Council. The other railways having their termini at Montreal, or opposite it, might also make use of this bridge by paying a certain rate to be fixed by arbitration.⁶³

MR. MACKENZIE did not see how such an arrangement mended the matter. In the long run, the result would be the same — the company would charge what they liked for these lines running over the Bridge.⁶⁴ The Governor would assent to any tolls which his friends the Barings, who were relatives of Mr. Labouchere, might suggest.⁶⁵ The hon. gentleman then referred to the manner in which the hon. members for Montreal and Sherbrooke (Mr. Holton and Mr. Galt) executed their contract for the Montreal and Kingston line — a line which they extended some ten miles longer than was necessary, in order to increase their profit; and yet the present Attorney General East supported such a scheme.⁶⁶

MR. AT. GEN. CARTIER would correct the hon. gentleman. He (Mr. Cartier) had been an opponent of that line, and was on one occasion told that if he would not oppose the line, he would make money by it.⁶⁷

MR. MACKENZIE said it was quite astonishing what revelations were made [sic] every now and then. The hon. gentleman went on to say he was opposed to the scheme, *in toto*.⁶⁸ [He referred] to the late steamboat catastrophe at Montreal, which he said was attributable to the carelessness of the Grand Trunk Company, who, as Mr. Parsons, a coroner's juror, had stated, had endeavoured to tamper with the jury to make them bring in a dishonest verdict, and afterwards tried to intimidate them by a letter in the *Montreal Pilot*, a hack paper, which was at the service of any and everybody who chose to pay it. He was perfectly sure that, if the present Bill were passed, it would not be the last application of the Grand Trunk to them, and there was nobody in the house who did not feel convinced of the same thing.

After some further observations, the hon. member sat down, having protested against "this bad measure."⁶⁹

At this moment MR. REC. GEN. J. MORRISON entered the house and ... was introduced by MR. COM. CR. LANDS CAUCHON⁷⁰ [OR] MR. AT. GEN. CARTIER, and MR. POST. GEN. SPENCE, the latter hon. gentleman announcing that the hon. member for Niagara had taken the oaths. The hon. member for Niagara then took his seat.⁷¹

MR. FELTON proceeded with the debate on the Grand Trunk⁷². [He] should remark that the proposition of the Government was a most extraordinary one, compared with the original proposition submitted to the House — a proposition which failed to show that the shareholders were to be at all benefitted.⁷³ The scheme of the government was only a financial juggle, which would enable some of the large stockholders to get rid of their shares, but leave the poor shareholders in as bad a state as before.⁷⁴ Some individual shareholders might reap a rich harvest; but the great body of the shareholders were not at all benefitted by it, and therefore he was prepared to record his vote against the measure. Again this bill said nothing about the bondholders of the company. The £2,000,000 were to be borrowed preferentially to the first lien of the Province, although not of the bondholders. Did the House imagine that these bondholders would submit to such an arrangement? Were the interests of the bondholders to be left unprotected? By the original agreement the bonds of the company were placed on a par with the bonds of the Province, respecting the loan; whereas by the present scheme, the company was authorized to issue preferential bonds to the amount of £2,000,000 sterling, the holders of such bonds to have a priority of

claim therefore [sic], over the present first lien of the Province. Under these circumstance[s], he should be compelled to vote against the measure.⁷⁵ He thought that some amendment ought to be introduced into the Bill which would make it a condition, that the bondholders should take the same position towards the company as that taken by the government.⁷⁶

MR. MARCHILDON rose amidst cries of question.... The hon. member spoke at some length and with great vehemence against the Bill, and designated the ministers as a set of stupids (*ignorants*) who are earning their living at the expense of the poor of Canada, and would be brought to a heavy reckoning for it some day, either here or hereafter.⁷⁷ He denied the assertion that the people of Lower Canada needed or were able to support such a line as this.⁷⁸ The vaunted prosperity of Lower Canada he said was all nonsense, as he knew that there were a great many people in it now, who were perfectly destitute of food. They were asking for bread, and they gave them a railroad. (Laughter.)⁷⁹

MR. A. DORION said he opposed the additional grant which was asked to this road last Session because he did not think it was such as to carry through this Company, and that consequently they would be called upon for some additional aid. For the same reason he would vote against the present measure. In his opinion it afforded no relief, it is a measure that will not satisfy either party; it would satisfy neither the bondholder nor the stockholder, nor secure the interest of the Province. They should have had another measure. It was expected by the country generally that when such large aid was given, that the management about which so much complaint had been made would have been put upon a better footing. It had been admitted upon all hands that no Government directors should have any management in the Company, and if so, this was the time to substitute some more efficient management than the one which has hitherto prevailed in the Company. It appeared to him that no Government Directors should sit in the direction of the company, and that had been acknowledged by the Inspector General himself. He did not see [sic] why Government did not attempt to put the management upon a better footing. Instead of the government acting as directors they should appoint a competent person — a salaried person, who would make a report to the government and see generally to the interests of the company. It appeared to him that this bill makes provision for abandoning the priority of the claim of the government when there was no necessity for abandoning that claim. He saw nothing in the bill to secure the accomplishment of the objects the Province have in view. The next year when another bit of the road might be completed, the company may come forward again and say they cannot complete the work without more aid. He had no doubt that another gentleman from England will make his appearance with the complaint that the road did not pay between Quebec ... and that they must have more aid. They must have the guarantee of the Province for a certain per centage upon their stock. He objected to the idea of having the interest on the Provincial debentures being repaid to the Province in share capital of the company. He would rather have that converted into bonds or in any other shape than that of share capital, because if the company were unable to meet the interest on these preferential bonds to be raised, the bondholders would necessarily look to the Province to meet these engagements. At the same time while this bill professes to give aid to construct a certain number of lines, he begged Lower Canada members to look at this fact, that from the way in which this bill was framed, they had no guarantee that these objects would be carried out. It is evident that the portions of the guarantee shall be released as the works are severally proceeded with, and not as the whole work progresses. The clause says — “The said proceeds shall be appropriated to promoting and a construction [sic] of the following works and apportioned as hereinafter stated, and released as the said works are severally proceeded with.” The consequence will be that the Company may complete their road to Sarnia, and then the guarantee to the extent of £450,000 may be realized — while, at the same time, they are not obliged to go on with any more of the work. It will be entirely in the power of the Company to make a portion of the work, and get the release upon that portion, and by this release, however small, we will lose our priority on the £3,000,000, already expended by the Province, and bind ourselves besides to pay the interest on the Provincial debentures for five years, amounting to about

£1,250,000. He was convinced this was not the last time they would have to do with this question. The same reasons which induced him to vote against the grant last year, induced him to vote against this measure now.⁸⁰ He had every desire to see the road completed in such a way as would make it profitable to the Province, but he could not approve of the scheme of the Government, and therefore moved in amendment — "That the Bill be read a second time this day six months."⁸¹

[The motion was] seconded by MR. BROWN⁸².

MESSRS. TURCOTTE and J. DORION, next addressed the house in reference to the Three Rivers and Arthabaska part of the scheme.⁸³

MR. FELTON repeated his question to the Inspector General, whether there was to be any provision by which the loan of two millions was to be conditional on the bond-holders of the company consenting to take rank with the Provincial debt.⁸⁴

MR. INSP. GEN. CAYLEY said he intended to impose no other condition than was contained in the Bill.⁸⁵

MR. FELTON said that, that being the case, he should vote against the bill.⁸⁶

The division was then taken on Mr. Dorion's amendment⁸⁷.

(678)

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, and the Question being proposed, That the Bill be now read a second time;

Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Brown, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Bureau, Christie, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Felton, Foley, Frazer, Freeman, Gamble, Hartman, Jobin, Laporte, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Munro, Niles, Papin, Patrick, Prévost, Rolph, Scatcherd, Somerville, Valois, and Wright. — (37.)

NAYS.

Messieurs Alleyn, Bellingham, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laberge, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, Terrill, Turcotte, and Yeilding. — (55.)⁸⁸

So it passed in the Negative.

On the main motion being put from the chair,

MR. LABERGE entered into an explanation of his vote on this measure. That his constituents were prejudiced against the measure, he would not deny; but he would risk their displeasure, and vote two, three, or five millions to the Grand Trunk, in order to prevent its management by the Government. He believed that when this road were fully completed, the advantages it would confer on the Province would more than counterbalance the necessary outlay.⁸⁹

(678)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

(678-679)

YEAS.

Messieurs *Alleyn, Bellingham, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laberge, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.* — (57.)

(679)

NAYS.

Messieurs *Aikins, Bell, Biggar, Brown, Bureau, Christie, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Felton, Foley, Frazer, Freeman, Gamble, Hartman, Jobin, Laporte, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Somerville, Southwick, Valois, and Wright.* — (38.)

So it was resolved in the Affirmative.

MR. MACKENZIE objected to the Attorney General East voting on the question, it being an infringement of the rules of the House⁹⁰ — that gentleman having a personal interest in the question, as shareholder, Director and paid Solicitor of the Grand Trunk.⁹¹

MR. AT. GEN. CARTIER stated that he had no personal interest in the Grand Trunk which came within the purview of the rule of the house. He had no pecuniary interest in the question separate and distinct from that of all Her Majesty's subjects. He was not a Director of the Company, nor its paid Solicitor, although he had acted as Solicitor for the Company when they had cases to give him.⁹²

MR. MACKENZIE read from a prospectus of the Company, in which Mr. Cartier's name was mentioned as its Solicitor. He wished to know if he still held that situation.⁹³

[MR. AT. GEN. CARTIER:] There was ... no such office as paid solicitor of the Grand Trunk, nor had there ever been.⁹⁴

MR. MACKENZIE was not satisfied with this explanation and would therefore move that the hon. Mr. Cartier being a shareholder and solicitor of the Grand Trunk, his vote on the measure before the House should be disallowed.⁹⁵

MR. A. DORION argued that, as a shareholder of the company, the Attorney General East had a direct interest in the contract now being made between the Government and the company. He considered it a very different one from that which he (Mr. Dorion) had in the question as a British subject and member of society.⁹⁶

MR. WILSON would like the answer to be more explicit. Did not the hon. member receive £1,000 a year for his services for that company?⁹⁷ [Was he not] employed by the company to conduct its law affairs, practically in the same way as if he was its paid Solicitor, paid by a salary?⁹⁸

MR. SOL. GEN. D. ROSS. — Suppose he were!⁹⁹

MR. SOL. GEN. H. SMITH considered it a matter of state policy that the Attorney General should be allowed to vote.¹⁰⁰ It did not matter whether the hon. gentleman were paid or not, in the present instance. He was astonished that some hon. gentlemen opposite should raise such frivolous objections.¹⁰¹

MR. BROWN could not conceive how any one could maintain that a shareholder of the company had not a direct pecuniary interest in the results of the Bill.¹⁰²

MR. FREEMAN was not at all satisfied with the Attorney General East's declaration.¹⁰³ [He] pointed out the anomalous position occupied by Mr. Cartier, on the one hand advising the issue of these debentures as law officer of the Crown, and on the other accepting them as Attorney for the company.¹⁰⁴

Mr. Mackenzie's motion for disallowing Mr. Cartier's vote was then put and negatived¹⁰⁵.

(679)

Notice being taken that the Honorable Mr. Attorney General *Cartier*, who voted with the Yeas, is a Shareholder in and an Attorney for the Grand Trunk Railway Company;

The Honorable Mr. Attorney General *Cartier* was heard in his place; and stated that he has not in the Question the personal interest which comes within the purview of the 11th Rule of this House, and that he has no direct pecuniary interest separate from and not in common with the rest of Her Majesty's subjects.

And then he withdrew.

Mr. *Mackenzie* moved, seconded by Mr. *Hartman*, and the Question being put, That as the Honorable *George Etienne Cartier* is a Shareholder in and an Attorney for the Grand Trunk Railway Company, he has such an interest as should exclude him from voting, and that his Vote be disallowed; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Bureau, Casault, Christie, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Felton, Foley, Frazer, Freeman, Gamble, Hartman, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Valois, Wilson, and Wright.* — (30.)

NAYS.

Messieurs *Alleyn, Bell, Biggar, Bowes, Burton, Cauchon, Cayley, Chabot, Chapais, Conger, Cook, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Drummond, Dufresne, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Southwick, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding.* — (57.)

So it passed in the Negative.

MR. MACKENZIE also took exception to the vote of Hon. Mr. Lemieux, as a shareholder in the company.¹⁰⁶

MR. COM. PUB. WORKS LEMIEUX stated that he had no pecuniary interest in the question, distinct and separate from that of all Her Majesty's subjects.¹⁰⁷

MR. MACKENZIE maintained that as a shareholder, the hon. gentleman had a direct pecuniary interest in the Company, and by voting on the bill before the House had infringed its rules. He then moved that the hon. gentleman's vote be therefore disallowed. The hon. and gallant knight was, he said, also a director of this Company, but if that hon. member said he did not receive a salary of £200 a year for being so, he (Mr. Mackenzie) would not make a motion to disallow his vote.¹⁰⁸

SIR A. MACNAB stated that he did receive a salary and would vote. (Laughter.)¹⁰⁹

[The motion was] lost on a division.¹¹⁰

(680)

Notice being taken that the Honorable Mr. *Lemieux*, who voted with the Yeas, is a Shareholder in the Grand Trunk Railway Company;

The Honorable Mr. *Lemieux* was heard in his place; and stated that he has no more personal pecuniary interest in the matter than the interest he has in common with the other subjects at large.

And then he withdrew.

Mr. Mackenzie moved, seconded by Mr. Hartman, and the Question being put, That the Vote of the Honorable F. Lemieux be disallowed, because he is a Stockholder in the Grand Trunk Railway Company, and has a peculiar personal pecuniary interest in this Bill; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Brown, Bureau, Casault, Christie, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Felton, Foley, Frazer, Freeman, Gamble, Hartman, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Valois, Wilson, and Wright. — (30.)

NAYS.

Messieurs Alleyn, Bell, Biggar, Bowes, Burton, Attorney General Cartier, Cauchon, Cayley, Chabot, Chapais, Conger, Cook, Crawford, Cryslar, Jean B. Daoust, Desaulniers, Dionne, Drummond, Dufresne, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Southwick, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Turcotte, and Yeilding. — (57.)

So it passed in the Negative.

MR. INSP. GEN. CAYLEY moved that the Bill be read at full length, to save its being sent to Committee of the Whole.¹¹¹

MR. BROWN objected. He considered it of importance that a Bill of so great moment should go through committee.¹¹²

MR. SICOTTE the SPEAKER said the practice of the House of Commons was invariably to commit such Bills.¹¹³

The Bill having been read a second time,¹¹⁴

MR. INSP. GEN. CAYLEY moved the house into committee of the whole on the bill.¹¹⁵

MR. BROWN objected to the house pushing a bill two stages on the same day.¹¹⁶

MR. SICOTTE the SPEAKER ruled the motion in order.¹¹⁷

(680) The Bill was then read a second time; and committed to a Committee of the whole House. Resolved, That this House will immediately resolve itself into the said Committee. The House accordingly resolved itself into the said Committee;

MR. FELTON moved an amendment to the first clause, in order more effectually to secure the interest of the bondholders.¹¹⁸

[The motion was] lost.¹¹⁹

MR. FELTON subsequently moved in amendment that the Grand Trunk Company shall not be entitled to claim the benefit of this act, so long as the President and Directors of the said company have a seat in the Legislative Assembly.¹²⁰

[The motion was] lost.¹²¹

The Bill was passed through committee¹²².

(680) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Roblin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Report be received To-morrow.

The Order of the day for the second reading of the Bill to amend so much of "The *Upper Canada Jurors' Law Amendment Act of 1853*," as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace, being read;

MR. AT. GEN. J.A. MACDONALD moved the second reading of the Bill¹²³.

MR. HARTMAN ... [made] some remarks¹²⁴.

In answer..., [MR. AT. GEN. J.A. MACDONALD] entered into an explanation of this measure.¹²⁵

After a good deal of discussion on the Special Jury system,¹²⁶ the bill was read a second time.¹²⁷

(680) The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

(681) The Order of the day for the second reading of the Bill to authorize the Judges of the Superior Court for *Lower Canada* to appoint Commissioners for taking Affidavits in *Upper Canada*, being read;

On motion of MR. DRUMMOND,¹²⁸

(681) The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Drummond* do carry the Bill to the Legislative Council, and desire their concurrence.

Then, on motion of Mr. *Mackenzie*, seconded by Mr. *Holton*,
The House adjourned.¹²⁹

Appendix

[WITHDRAWN MOTION RE: CLAIMS OF JOHN COUNTER.]

MR. CONGER moved for a committee of five members to inquire into and report upon all the circumstances attending the nonfulfilment and abandonment of the contract entered into by John Counter, Esq., with the Commissioners of Public Works, for the construction of the Junction Canal on the St. Lawrence, with power to send for persons and papers.¹³⁰

MR. BROWN said the Government ought to give the House their decision in this matter.¹³¹

MR. HOLTON said ... [the Government] were bound to take upon themselves the responsibility of this claim and not allow one of their followers to relieve them of the matter by referring it to a

committee.¹³² It was an abandonment of the duties of the Government to throw the responsibility of this investigation on the house, and he would vote for this motion as a distinct vote of want of confidence in the Administration, and if they wished to join him in that vote they might do so.¹³³

MR. WILSON concurred in the opinion of Mr. Holton, that the Government ought to assume all the responsibility of this investigation, and of the decision; and, on that ground he would oppose the motion.¹³⁴

MR. INSP. GEN. CAYLEY replied that the committee applied for was merely to make an investigation into the claim. The Government has no intention to shirk the responsibility, and cannot do so, on the last stage when the committee makes its report.¹³⁵ Their course in this instance was borne out by the practice of the English Government.¹³⁶

MR. PATRICK hoped all objections would be withdrawn to the reference of this matter to a committee.¹³⁷

MR. COM. PUB. WORKS LEMIEUX said that this application was made to the Government last year, and the Government would not entertain it; but Mr. Counter alleges that there are certain facts which can only be made to appear by the investigation by a committee.¹³⁸ Mr. Counter proposed to bring evidence of the contract he had entered into with the Government, and therefore the Government thought it best to refer the matter to a special committee.¹³⁹ He thought it would be unjust to Mr. Counter to refuse him every opportunity of proving his case.¹⁴⁰

MR. BROWN took the same view as that of Messrs. Wilson and Holton¹⁴¹. [He] said that it was quite impossible for a special committee to deal properly with the matter at that late period of the session. It were best to issue a commission, and then the evidence could be taken on oath.¹⁴²

MR. MACKENZIE ... objected to the motion being taken out of its place in the orders of the day¹⁴³.

The motion ... was subsequently withdrawn.¹⁴⁴

[POSTPONED MOTION RE: CHARGES AGAINST GEORGE BROWN.]

DR. T. FORTIER called the attention of the house to a rule ordering that all documents submitted to the house be printed in English and French, and that the report of the committee on the charges against Geo. Brown, Esq., had not been printed in French.¹⁴⁵ [He] moved that the report ... be translated and printed in French, before the debate on that report be proceeded with.¹⁴⁶

MESSRS. HOLTON, WILSON, A. DORION (of Montreal) and others objected to the motion, on the ground that if it were carried it would throw this matter over to another session.¹⁴⁷

DR. T. FORTIER solemnly assured the House that that was not the object of his motion¹⁴⁸.

MR. SICOTTE the SPEAKER ... [observed] that it would have to be referred to the Committee on Printing, and would cause delay.¹⁴⁹

To a remark of MR. SOL. GEN. H. SMITH [OR] MR. SOL. GEN. D. ROSS,¹⁵⁰

MR. HARTMAN wished to know if the Attorney General had resigned his position. His place had been vacant during the whole day. He wished to know also whether the¹⁵¹ Solicitor General¹⁵² [and] other Upper Canada members of the Government had resigned?¹⁵³

MR. DORION requested to know if they had repudiated the charges?¹⁵⁴

MR. SOL. GEN. H. SMITH said they had done nothing in the matter.¹⁵⁵ The Government, as a Government, have nothing to do with the charges.¹⁵⁶

MR. HARTMAN replied that they were sustained by the Government.¹⁵⁷

MR. SOL. GEN. H. SMITH said that Mr. Hartman was wrong in saying that the Government had made many [sic] charges against Mr. Brown. The Government had made no charge against Mr. Brown. The Attorney General West, as a member of the house, but not as a member of the Government, had made those charges. It is not necessary for him to say that the Government repudiated anything — they had nothing to repudiate.¹⁵⁸

MR. TURCOTTE maintained the rule of the house on the subject.¹⁵⁹

MR. HOLTON was glad to hear that the hon. member abandoned his impeachment of the honour of the house. Perhaps the object of the motion was to relieve the administration from their disagreeable position.¹⁶⁰

MR. CHABOT spoke to the question in French. He said it was not the interest of the Government either to protract or renew the discussion. Considering that they had sat on the argument until two this morning, he thought they had better at present revert to the business of the house.¹⁶¹

MR. WILSON thought the motion was of little consequence, as everybody could ascertain the full import of the report with a very little trouble. (Question.)¹⁶²

DR. T. FORTIER never had a word with the ministry on the subject of the motion. He would postpone it till to-morrow.¹⁶³

Footnotes

1. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
2. *Hamilton Spectator Semi-Weekly*, 25 June 1856, reports that a clause was inserted, "that the division shall only take place with the consent of the County Council".
3. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
4. *Toronto Daily Leader*, 21 June 1856. The debate on this motion is inserted at this point in the proceedings according to the sequence of events reported in *Toronto Daily Leader*, 21 June 1856, *Globe*, 21 June 1856, and *Hamilton Spectator Semi-Weekly*, 25 June 1856.
5. *Toronto Daily Leader*, 21 June 1856.
6. *Ibid.*
7. *Globe*, 21 June 1856.
8. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
9. *Ibid.*
10. *Ibid.*
11. *Hamilton Spectator Semi-Weekly*, 25 June 1856. Mr. Cayley is referring to a discussion which occurred a little earlier this day concerning the report of the Committee investigating the charges against George Brown. That discussion is inserted in the Appendix of this day, page 2813.
12. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
13. *Ibid.*

14. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
15. *Ibid.*
16. *Globe*, 21 June 1856.
17. *Ibid.*
18. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
19. *Globe*, 21 June 1856. *Toronto Daily Leader*, 21 June 1856, reports that Mr. Mackenzie "objected to these clauses of the measure which provided for an increase in the salaries of the County Court Clerks and lawyers."
20. *Toronto Daily Leader*, 21 June 1856. The ellipsis represents an illegible word.
21. *Globe*, 21 June 1856.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Globe*, 21 June 1856. *Toronto Daily Leader*, 21 June 1856, only provides a brief summary of the debate that took place in Committee, noting in particular that the Committee went through the Bill "after a good deal of desultory discussion".
32. *Globe*, 21 June 1856, and *Hamilton Spectator Semi-Weekly*, 25 June 1856, differ from the *Journals* and report the division as 23 Yeas to 40 Nays. In these accounts, Dr. McDonald is included in the Yeas rather than in the Nays, as is reported in the *Journals*. *Toronto Daily Leader*, 21 June 1856, mistakenly reports a division of 23 Yeas to 38 Nays.
33. *Globe*, 21 June 1856.
34. *Toronto Daily Leader*, 21 June 1856. The actual Upper Canada vote on the last amendment was 20 Yeas to 12 Nays.
35. *Globe*, 21 June 1856. It appears from the report in *Hamilton Spectator Semi-Weekly*, 25 June 1856, that Mr. Robinson was at that moment sitting in the seat of an absent minister.
36. *Toronto Daily Leader*, 21 June 1856.
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Globe*, 21 June 1856.
50. *Toronto Daily Leader*, 21 June 1856.
51. *Ibid.*
52. *Toronto Daily Leader*, 21 June 1856. *Globe*, 21 June 1856, reports briefly that Mr. Spence "explained that he had not known of Mr. Gould's being a contractor until it was shown to him for signature by one of the inspectors, after which he mentioned the circumstance to the Attorney General."
53. *Toronto Daily Leader*, 21 June 1856.
54. *Ibid.*
55. *Toronto Daily Leader*, 21 June 1856. *Globe*, 21 June 1856, only reports a short summary of this debate, in which it states that "a discursive conversation ... took place, relative to Mr. Gould's contracts with the Post Office".
56. *Globe*, 21 June 1856.
57. *Toronto Daily Leader*, 21 June 1856.
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Globe*, 21 June 1856.

62. *Toronto Daily Leader*, 21 June 1856.
63. *Ibid.*
64. *Ibid.*
65. *Globe*, 21 June 1856.
66. *Toronto Daily Leader*, 21 June 1856. *Globe*, 21 June 1856, does not report that Mr. Mackenzie referred to Messrs. Holton and Galt in particular, but that "he condemned the 'roguey' of the contractors who had broken faith in every way with the Province, and had made the roads longer than they ought to have been, for the sake of making more money by it."
67. *Toronto Daily Leader*, 21 June 1856.
68. *Ibid.*
69. *Globe*, 21 June 1856.
70. *Ibid.*
71. *Toronto Daily Leader*, 21 June 1856. This newspaper differs from *Globe*, 21 June 1856, and reports that this event occurred after the speech of Mr. Marchildon.
72. *Globe*, 21 June 1856.
73. *Toronto Daily Leader*, 21 June 1856.
74. *Globe*, 21 June 1856.
75. *Toronto Daily Leader*, 21 June 1856.
76. *Globe*, 21 June 1856.
77. *Globe*, 21 June 1856. This report adds that these cries were "mingled with the usual noises which generally greet him [Mr. Marchildon] from the ministerial side of the house."
78. *Toronto Daily Leader*, 21 June 1856.
79. *Globe*, 21 June 1856.
80. *Toronto Daily Leader*, 21 June 1856. The ellipsis represents missing words.
81. *Globe*, 21 June 1856.
82. *Toronto Daily Leader*, 21 June 1856.
83. *Globe*, 21 June 1856.
84. *Ibid.*
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Toronto Daily Leader*, 21 June 1856, differs from the *Journals* and reports the name of Mr. Fellowes instead of Mr. Lumsden in this section. *Telegraph (Montreal Gazette)*, 23 June 1856) concurs with the *Journals*.
89. *Toronto Daily Leader*, 21 June 1856.
90. *Ibid.*
91. *Globe*, 21 June 1856.
92. *Ibid.*
93. *Ibid.*
94. *Toronto Daily Leader*, 21 June 1856.
95. *Ibid.*
96. *Globe*, 21 June 1856.
97. *Toronto Daily Leader*, 21 June 1856.
98. *Globe*, 21 June 1856.
99. *Ibid.*
100. *Ibid.*
101. *Toronto Daily Leader*, 21 June 1856.
102. *Globe*, 21 June 1856.
103. *Toronto Daily Leader*, 21 June 1856.
104. *Globe*, 21 June 1856.
105. *Ibid.*
106. *Ibid.*
107. *Ibid.*
108. *Toronto Daily Leader*, 21 June 1856.
109. *Ibid.*
110. *Globe*, 21 June 1856.
111. *Ibid.*
112. *Ibid.*

113. *Globe*, 21 June 1856.
114. *Ibid.*
115. *Toronto Daily Leader*, 21 June 1856.
116. *Ibid.*
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Globe*, 21 June 1856. *Montreal Gazette*, 24 June 1856, reports a short commentary on this debate.
123. *Globe*, 21 June 1856.
124. *Ibid.*
125. *Toronto Daily Leader*, 21 June 1856.
126. *Globe*, 21 June 1856.
127. *Toronto Daily Leader*, 21 June 1856.
128. *Globe*, 21 June 1856.
129. *Globe*, 21 June 1856, and *Toronto Daily Leader*, 21 June 1856, report that the House adjourned at midnight.
130. *Toronto Daily Leader*, 21 June 1856.
131. *Ibid.*
132. *Ibid.*
133. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
134. *Ibid.*
135. *Ibid.*
136. *Toronto Daily Leader*, 21 June 1856.
137. *Ibid.*
138. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
139. *Toronto Daily Leader*, 21 June 1856.
140. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
141. *Globe*, 21 June 1856.
142. *Toronto Daily Leader*, 21 June 1856.
143. *Globe*, 21 June 1856. According to the report in *Hamilton Spectator Semi-Weekly*, 25 June 1856, Mr. Mackenzie objected to the motion as no notice of it had been given.
144. *Toronto Daily Leader*, 21 June 1856.
145. *Globe*, 21 June 1856.
146. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
147. *Toronto Daily Leader*, 21 June 1856. *Globe*, 21 June 1856, reports that "a slight discussion took place thereon", without naming any of the speakers.
148. *Toronto Daily Leader*, 21 June 1856.
149. *Globe*, 21 June 1856.
150. *Globe*, 21 June 1856. This source does not specify which of the two Solicitors General spoke.
151. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
152. *Globe*, 21 June 1856.
153. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
154. *Globe*, 21 June 1856. This newspaper does not specify whether this question was asked by Mr. A. Dorion or Mr. J. Dorion.
155. *Globe*, 21 June 1856.
156. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
157. *Ibid.*
158. *Ibid.*
159. *Globe*, 21 June 1856.
160. *Ibid.*
161. *Ibid.*
162. *Ibid.*
163. *Globe*, 21 June 1856. *Toronto Daily Leader*, 21 June 1856, mistakenly reports that "the hon. gentleman subsequently withdrew his motion". *Hamilton Spectator Semi-Weekly*, 25 June 1856, concurs with the *Globe* and reports the following: "At the request of several members Dr. Fortier allowed his motion to stand over until to-morrow."

SATURDAY, 21 JUNE 1856

(681)

PURSUANT to the Order of the day, the following Petitions were read: —

Of the Reverend *John Brady* and others, of the Townships of *Buckingham* and *Lochaber*; praying that a District Court may be established in the Village of *Buckingham*.

Of the *Montreal* and *Bytown* Railway Company; praying that the Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway may not become law.

Of *William McWaters* and others, of the Township of *Binbrook*; praying that representation may be based upon population.

Mr. *Polette*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-sixth Report of the said Committee; which was read.

For the said Report, see Appendix (No. 67.)

On motion of Mr. *Holton*, seconded by Mr. *Jean Baptiste Eric Dorion*,

Ordered, That the Orders of the day be now read.

[On motion of] MR. FOLEY¹,

(681)

A Bill to confirm the respective Titles of *George Robinson VanNorman* and others, to certain Lands in *Windham* and *Simcoe*, in the County of *Norfolk*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to confirm the Titles of the persons therein mentioned to certain Lands in the Town of *Simcoe*, and Township of *Windham*, in the County of *Norfolk*."

Ordered, That Mr. *Foley* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. BIGGAR²,

(681)

A Bill to incorporate the *British Farmers' Union Insurance Company*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Biggar* do carry the Bill to the Legislative Council, and desire their concurrence.

(682)

A Bill to vest certain portions of certain original allowances for Roads in the Township of *Saltfleet*, in the County of *Wentworth*, in *John Robert Martin*, his heirs and assigns, in lieu of certain portions of lots thirty and thirty-one in the third Concession of said Township, taken and used for such Roads, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to vest in *Robert John Martin* portions of certain Road allowances in the Township of *Saltfleet*."

Ordered, That Mr. *Church* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. SOL. GEN. H. SMITH in absence of Attorney General Macdonald³,

(682)

A Bill to amend so much of "The *Upper Canada Jurors' Law Amendment Act* of 1853," as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to erect part of the Township of *Chatham*, in the County of *Argenteuil*, into a separate Municipality, was, according to Order, read the third time.

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Prévost*, a Clause (The division of the said Municipality of the Township of *Chatham* into two Municipalities, shall only take place after the same shall have been approved of by a vote of the majority of the Municipal Electors of the said Township of *Chatham*; the said vote to be taken on such day as shall be fixed by the Municipal Council of the said Township, within three months from the passing of this Act,) was thrice read; and inserted in the Bill before the last Clause.

Resolved, That the Bill do pass.

Ordered, That Mr. *Bellingham* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. J. DORION⁴,

(682)

The House, according to Order, resolved itself into a Committee on the Bill for the protection of Squatters in the Townships of *Lower Canada*;

MR. J.S. MACDONALD said there was a great principle involved in this question. It amounted to taking away people's lands without their consent.⁵ By this bill the squatter, after five years' residence on the land, might demand his own terms; and if this was refused, he could demand the matter to be settled by three arbitrators. A more monstrous law, for spoliation and robbery could not be devised, and if the law were passed in Lower Canada, he feared that it would also be extended to Upper Canada. In conclusion, he moved that the committee rise.⁶

MR. FELTON denied that the bill took away from the landed proprietor the land he owned, though he did not dwell on it. He argued that the institution of squatters was absolutely necessary in Lower Canada and that without them it would be hard to settle counties. He would support the bill.⁷

MR. DRUMMOND looked to this measure as one of the greatest importance for the people of Lower Canada⁸, and trusted that those who had gone upon wild lands would not be prevented from securing the rights they have acquired by their hard-earned labour.⁹ The hon. gentleman spoke at some length in favor of the bill. He would however, beg leave to move an amendment to one of the clauses, to the effect that every person who shall be in possession of land for five years, as a squatter, without being called on by the proprietor to leave the land, should be considered to have occupied the same with the consent of the proprietor, and be treated with accordingly for the improvements he had made. He condemned the idea of a man coming to this country and taking up many acres of wild land at perhaps a shilling an acre, and then leave the country, and return in after years to claim the land, which in the meantime had been settled by strangers, under the impression that it was Crown land, or unoccupied, and then dispossess them after they had made improvements. He had no sympathy with the proprietor that conducted such a thing. He knew that there were landsharks who employed men at half a dollar a day to induce strangers to settle on their land, and when the land was improved then they turned them off. He appealed to the House not to insult the people of the Eastern townships by throwing out their bill, for if they did so they most assuredly alienate them.¹⁰ If the Government opposed this Bill, they would find in consequence that they had lost a considerable number of their supporters.¹¹ The principle of the bill was to secure to parties that had been induced by false representation to settle on land and improve it, proper indemnification, if they were deposed. He maintained that no man ought to be allowed to abandon his land for five years¹². Sir Chas. Buller advised that there should be a wild land tax — the object being to compel the

proprietor to dwell on his land, or at least enable the lands to be opened up.¹³ He [Mr. Drummond] suffered to a large extent himself by the present infamous system.¹⁴

MR. FOLEY assumed that if a man purchased a Government lot of land, left the country, and returning found that actual improvements had been made on the land, he was bound to pay¹⁵ the party so settling and labouring¹⁶ for those improvements. He would wish that the law was assimilated to that of Upper Canada.¹⁷

MR. J.S. MACDONALD considered the matter of great importance, and would withdraw his motion.¹⁸

MR. ALLEYN opposed the bill, and thought the views advocated by Mr. Drummond were not found in equity or good sense.¹⁹

MR. SCATCHERD advocated the principle of the Bill, as just and equitable.²⁰

MR. J. DORION quoted the names of distinguished lawyers who voted last year for the same Bill.²¹

MR. DRUMMOND pressed the Government to state what they would do in this matter.²²

MR. PROV. SEC. TERRILL stated that the Government had not taken any different view of the matter than they had expressed on former occasions. He did not think that the present system could be called spoliation. However he did not think the law went far enough. The question was who were the greater losers — the squatter or the proprietor. The hon. gentleman should not insist that the Government should define their opinion on this question — as many of them had never considered it.²³ It was not to be a Government question.²⁴ Each member of the Government would vote on the matter according to his own peculiar views.²⁵ He admitted that it was a question demanding legislation and would vote for it, but thought the vehemence of the member for Shefford was thrown away on the house.²⁶

MR. DRUMMOND said his vehemence was demanded from the carelessness of the Government in this as in many other questions. Some of them were smiling, others were amusing themselves in other ways, while not one appeared to consider it a matter worthy [of] their attention. His vehemence, however, had the effect of calling up a member of the Government, and of hearing his view of the subject.²⁷ [He] never expected any opposition from the Government, and maintained that the Government should express an opinion on the matter. He had been accused of being a socialist and advocating the doctrine of common property; and he should like the Attorney General west [sic] to declare his views on this question, which so materially effected [sic] the good of Lower Canada.²⁸

MR. A. DORION considered it an important question, but thought some of its clauses went too far.²⁹ He was prepared to vote for the bill; but would suggest giving the additional improvements that a man made on the land, and he would move an amendment to that effect. He would also propose to give to the courts that tried the disputes that might arise, the power to condemn the cost to whichever party he saw fit according to the equity of the case.³⁰

MR. AT. GEN. CARTIER maintained that the project of this bill was to obtain the right of possession,³¹ in accordance with the principle of the Roman civil law and also of the French law.³² He thought therefore that the late Attorney General ought to be sati[s]fied that if he (Mr. Cartier) had not spoken earlier, it was not from a diffidence to express his opinion.³³

MR. BELLINGHAM said that the general law of the country did not apply to township lands. There was no question that in Lower Canada many persons had taken possession of lands for which no one could be found, and it would not be just to deprive those parties of all the fruits of their labors.³⁴

[Mr. A. Dorion's] amendments ... [were] carried.³⁵ The remaining clause[s] having been assented to, the committee rose and reported the bill.³⁶

(682) | and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Charles Daoust* reported, That the Committee had gone through the Bill, and made amendments thereunto.³⁷
| And the Question being proposed, That the Report be now received;

MR. J.S. MACDONALD moved that the Report be not now received, but that it be received this day six months.³⁸

MR. AT. GEN. J.A. MACDONALD hoped the hon. gentleman would not press his amendment. His (Mr. J.S. Macdonald's) course was not calculated to further the business of the country.³⁹ The Bill involved an important principle, and ... it should be allowed to be printed to be considered by members.⁴⁰

MR. DRUMMOND denied that the objects [sic] of this Bill was to violate the rights of property. This idea originated from the carelessness of parties in not studying the system under which the Lower Canadians lived.⁴¹ On the contrary, its object was to protect the rights of labor, and maintain inviolate the rights of property. With regard to the States, he maintained that in no country in the world were the rights of property more respected.⁴²

MR. J.S. MACDONALD maintained that the measure did interfere with the rights of property. There was, he felt convinced, a violation of principle in this measure, and as such he would vote against it. It was an attempt to impose on the people of Lower Canada, such a law as would never be borne by the people of Lower Canada.⁴³ [He] would not take so strong ground in this question, but from the fact that the same principle would be sought to be adopted in Upper Canada. We are legislating against absent parties, against minors and others who know nothing of what is being done here. They will have applications from Upper Canada for a similar law, — a law which goes to rob a man of his rights, and to give a premium to squatters to go upon lands and then demand sums of money for pretended improvements.⁴⁴ Notwithstanding the assurances of the hon. mmeber [sic] for Shefford, he felt convinced that the object of the present measure was to rob landowners of their property; and the measure was so totally bad, that no improvement would be sufficient to induce him to accept the measure.⁴⁵

MR. DRUMMOND read from Lord Durham's report, showing the injury done to the country by absent proprietors keeping away, and refusing to improve the land.⁴⁶

SIR A. MACNAB strongly denounced this measure as destructive of the rights of property. It had been said that these lands were granted on certain conditions; now why were not those conditions enforced by the Government? Was it because Government failed to enforce their own laws, that people were to be despoiled of their property in this way? By the present law it was rendered lawful for any man to come and squat down on another's land, strip it of its timber and exhaust its fertility, and then claim compensation from the owner if he wished to make use of his own land. It was monstrous.⁴⁷

MR. DRUMMOND explained that this bill merely provided for the past and not for the future.⁴⁸

MR. A. DORION advocated the measure as just and necessary.⁴⁹ [He] thought the hon. and gallant knight was mistaken in what the Bill proposed; it was only intended by it to secure to the squatter the improvement. Farther, there was a law in several States of a precisely similar character, and it had been found to work well.⁵⁰

MR. ROBLIN would never consent to such a measure. In effect, it was encouraging parties to squat on property, plunder it of its value, and then demand recompense from the owner. These parties might as well demand a person's purse.⁵¹

MR. SOL. GEN. H. SMITH also opposed the Bill as objectionable in all its clauses, especially because it was only retrospective in its character.⁵² If it were good for Lower Canada, it was also good for Upper Canada; but he maintained that it was good for neither. It affirmed the principle that the trespasser should be protected, and that the right of the owner should be trampled on with impunity.⁵³

MR. MACKENZIE also opposed the Bill, and pointed out its evil effects.⁵⁴ He would like to know where was the use in any gentleman buying property, if parties might come in and take possession of it and then refuse to deliver it up, without being compensated?⁵⁵

The motion that the report be received this day six months was then put⁵⁶.

(682) The Honorable *John Sandfield Macdonald* moved in amendment to the Question, seconded by Mr. *Gamble*, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bowes, Burton, Conger, Crawford, Crysler, Delong, Frazer, Gamble, Macbeth, John S. Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Angus Morrison, Murney, Powell, Robinson, Roblin, Shaw, Solicitor General Smith, Southwick, and Stevenson.* — (24.)

(682-683)

NAYS.

Messieurs *Bellingham, Bureau, Attorney General Cartier, Casault, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, LeBoutillier, Lemieux, Attorney General Macdonald, Marchildon, Mongenais, Munro, O'Farrell, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Rhodes, Solicitor General Ross, Somerville, Spence, Terrill, Thibaudeau, Turcotte, and Valois.* — (46.)

(683)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. *Charles Daoust* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Bill, as amended, be printed for the use of the Members of this House.

The Honorable Mr. Attorney General *Cartier*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth: —

Your Committee have considered the Bill to amend the Charter of the *Port Whitby* and Lake *Huron* Railway Company, referred to them, and have agreed to several amendments, which they humbly submit for the adoption of Your Honorable House.

The Honorable Mr. Attorney General *Cartier*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth: —

Your Committee have considered the Bill to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*, referred to them, and have agreed to several amendments, which they humbly submit for the adoption of Your Honorable House.

The House, according to Order, resolved itself into a Committee on the Bill to enforce the Registration of Titles to Lands in the Townships of *Lower Canada*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Poulin* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

The House, according to Order, resolved itself into a Committee on the Bill to alter and amend the Game Laws of *Upper Canada*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Powell* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Powell* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to incorporate the Village of *Kemptville*, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

And it being half-past Three o'clock in the afternoon, Mr. Speaker adjourned the House until Monday next, without putting the Question.

Footnotes

1. *Globe*, 24 June 1856.
2. *Ibid*.
3. *Ibid*.
4. *Telegraph (Montreal Transcript)*, 23 June 1856.
5. *Globe*, 24 June 1856.
6. *Toronto Daily Leader*, 23 June 1856.
7. *Ibid*.
8. *Ibid*.
9. *Globe*, 24 June 1856.
10. *Toronto Daily Leader*, 23 June 1856.
11. *Globe*, 24 June 1856.
12. *Toronto Daily Leader*, 23 June 1856.
13. *Globe*, 24 June 1856. *Toronto Daily Leader*, 23 June 1856, differs from this source and reports that Mr. Drummond "quoted the opinion of Lord Sydenham, which was that a special tax on wild land should be imposed."
14. *Toronto Daily Leader*, 23 June 1856.
15. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
16. *Globe*, 24 June 1856.
17. *Toronto Daily Leader*, 23 June 1856.
18. *Ibid*.
19. *Globe*, 24 June 1856.
20. *Ibid*.
21. *Ibid*.
22. *Toronto Daily Leader*, 23 June 1856.
23. *Ibid*.
24. *Globe*, 24 June 1856.
25. *Toronto Daily Leader*, 23 June 1856.
26. *Globe*, 24 June 1856.
27. *Ibid*.
28. *Toronto Daily Leader*, 23 June 1856.
29. *Globe*, 24 June 1856.
30. *Toronto Daily Leader*, 23 June 1856.
31. *Ibid*.
32. *Globe*, 24 June 1856.
33. *Toronto Daily Leader*, 23 June 1856.

34. *Toronto Daily Leader*, 23 June 1856.
35. *Globe*, 24 June 1856.
36. *Toronto Daily Leader*, 23 June 1856.
37. According to *Toronto Daily Leader*, 23 June 1856, it was Mr. Bureau who took the chair of the Committee and therefore reported its activities to the House.
38. *Globe*, 24 June 1856.
39. *Hamilton Spectator Semi-Weekly*, 25 June 1856.
40. *Globe*, 24 June 1856.
41. *Ibid.*
42. *Toronto Daily Leader*, 23 June 1856.
43. *Ibid.*
44. *Globe*, 24 June 1856.
45. *Toronto Daily Leader*, 23 June 1856.
46. *Globe*, 24 June 1856.
47. *Toronto Daily Leader*, 23 June 1856.
48. *Ibid.*
49. *Ibid.*
50. *Globe*, 24 June 1856.
51. *Toronto Daily Leader*, 23 June 1856.
52. *Globe*, 24 June 1856.
53. *Toronto Daily Leader*, 23 June 1856.
54. *Globe*, 24 June 1856.
55. *Toronto Daily Leader*, 23 June 1856.
56. *Ibid.*

MONDAY, 23 JUNE 1856

(684)

THE following Petition was brought up, and laid on the table: —

By Mr. *Bowes*, — The Petition of the Mayor, Aldermen, and Commonalty of the City of *Toronto*.

Pursuant to the Order of the day, the following Petition was read: —

Of the Municipality of the Township of *McGillivray*; praying for certain Amendments to the Assessment Law of *Upper Canada*.

On motion of Mr. *Bowes*, seconded by Mr. *Gamble*,

Ordered, That the Petition of the Mayor, Aldermen, and Commonalty of the City of *Toronto*, be now received and read, and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying for the passing of an Act to settle the northern boundary line of the City of *Toronto*.

Ordered, That the said Petition be referred to the Standing Committee on Miscellaneous Private Bills.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the Bill, intituled, "An Act to amend and consolidate the Acts relating to the Commercial Bank of the Midland District, and to change its corporate name to the 'Commercial Bank of *Canada*,'" and the same was read, as followeth: —

Page 11, line 16. Leave out from "thereof" to "any" in line 20.

The said Amendment, being read a second time, was agreed to.

Ordered, That Mr. *Gamble* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

Mr. *Bellingham* moved, seconded by Mr. *Poulin*, and the Question being put, That the 67th Rule of this House, requiring the payment of Fifteen pounds, be suspended as regards the Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway; the House divided: — And it was resolved in the Affirmative.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act for incorporating and granting certain powers to the *Canadian* Loan and Investment Company:"

Bill, intituled, "An Act to amend and extend the Charter of the *Amherstburg* and *St. Thomas* Railway Company:"

Bill, intituled, "An Act to amend the Act incorporating the *Bond Head* Harbour Company, to increase the capital Stock of the said Company, and to incorporate the Village of *Newcastle*:"

Bill, intituled, "An Act to amend and consolidate the Acts forming the Charter of the Bank of *Upper Canada*:" And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Act incorporating the Order of the Sons of Temperance in *Canada West*," to which they desire the concurrence of this House.

And then he withdrew.

(685)

A Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Order of the Sons of Temperance in *Canada West*," was read for the first time.

On motion of Mr. Solicitor General *Smith*, seconded by the Honorable Mr. Attorney General *Macdonald*,

Ordered, That the Bill be now read a second time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General *Smith* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

MR. CRYSLER then moved that the House resolve itself into Committee of the Whole on a bill to legalize a certain by-law of the Municipality of the Township of Cornwall, and also that the report thereof from the Standing Committee on Private Bills be referred to the said Committee.¹ [The gentleman said:] Mr. Speaker, when I moved that the Committee on Miscellaneous Private Bills, be ordered to reassemble and instructed to report specially to this House, the evidence upon which they came to the resolution that the preamble to the bill to legalize the by-law of the Municipality of the Township of Cornwall had not been proven, I had no intention to cast a censure upon the Committee, but, Sir, I felt that the Committee came to a different conclusion than I should have done myself. Mr. Speaker, the question was one of importance to the Municipality of the Township of Cornwall, and as it had been intrusted to me, I felt bound to use my best exertions to carry the bill through. Mr. Speaker, it was the only course I could adopt after the committee had reported against the preamble of the bill. I find, Sir, by referring to the Journals of the House of Commons in England, in the *Durham (South West) Railway Bill*, Committee reported preamble not satisfactorily proven. That the House ruled against their report and ordered the bill to be read a third time. And also in our own practice in the case of the *Three Rivers' Diocese Bill*, Committee reported preamble not proven, House ordered same as in the English bill committee, the only cases similar, but satisfactory. Mr. Speaker, at every stage of the bill I have been met by the most determined opposition of the member for Glengary, and have been unable since the 9th of April to reach the order until recently. The member for North York, who takes a longer view of the matter — contends the preamble was not proven, being contrary to the prayer of the Petition of the rate-payers. Mr. Speaker, I take quite a different view. I contend that the preamble of the bill was fully proven — there was a petition from the rate-payers which proves that they acted upon a Petition. One fact, and that the Petitioners prayed they would exercise the power vested in them (the Council) by law, and procure a site in some place geographically and statistically central, and erect a Town Hall. A site was procured. The Town Hall was erected, and it was competent, and the Council had the power without any petition from the rate payers to that effect; but, Sir, they did not act arbitrarily, but advisably. The hon. member for Glengary will not say that they could not act unless upon a petition. But, Sir, I have been aware that every effort would be made to procrastinate, in hopes to defeat the bill. The member for Cornwall says that three-fourths of the rate-payers were opposed to the said By-law. Mr. Speaker, if three-fourths of the rate-payers were opposed, how comes it that the Councillors who passed that By-law in 1855, were re-elected in 1856? And the Council [h]as now constituted Petition to have the said By-law legalized. Every act of the Council was legal and according to law, but the 18th Vict., chap. 133 was passed one day before the three months notice of By-law expired. The Town Hall has been built, has been taken possession of by the Municipality, and occupied since January last. Two hundred and twenty-five pounds of debentures paid off and interest; balance of debentures, two hundred and seventy-five pounds due first day of February next, for which an assessment to meet, is made. Mr. Speaker, it may suit some of the gentlemen of the legal profession in the Town of Cornwall to have the said By-law quashed, and to get the people at loggerheads, at law, and coolly pocket one or two hundred pounds by way of costs by the operation out of them. I trust that the House is fully satisfied, and that the motion to go into committee will be carried.²

MESSRS. BROWN and J.S. MACDONALD opposed the motion.³

MR. SOL. GEN. H. SMITH entered at length into a statement respecting the bill, and maintained that the present Committee were not justified in the course they had taken.⁴

After considerable discussion, it was moved in amendment that the orders of the day be now read⁵.

(685)

Mr. *Crysler* moved, seconded by Mr. *Chisholm*, and the Question being proposed, That the Bill to legalize a certain By-Law of the Municipality of the Township of *Cornwall*, be committed to a Committee of the whole House, together with the Reports thereon and the evidence in relation thereto, reported from the Standing Committee on Miscellaneous Private Bills;

Mr. *Holton* moved in amendment to the Question, seconded by Mr. *Prévost*, That all the words after "That" to the end of the Question be left out, and the words "the Orders of the day be now read" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bellingham*, *Brown*, *Christie*, *Charles Daoust*, *Darche*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Foley*, *Frazer*, *Gamble*, *Hartman*, *Holton*, *Jobin*, *Laberge*, *John S. Macdonald*, *Roderick McDonald*, *Papin*, *Patrick*, *Powell*, *Prévost*, *Rankin*, *Rhodes*, *Valois*, and *Wilson*. — (25.)

NAYS.

Messieurs *Biggar*, *Bowes*, *Burton*, Attorney General *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chisholm*, *Conger*, *Cook*, *Crawford*, *Crysler*, *Dionne*, *Dostaler*, *Fellowes*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Guévremont*, *Labelle*, *Laporte*, *Larwill*, *Lemieux*, Attorney General *Macdonald*, *Matheson*, *Mongenaïs*, *Joseph C. Morrison*, *Angus Morrison*, *O'Farrell*, *Polette*, *Poulin*, *Roblin*, Solicitor General *Ross*, *James Ross*, Solicitor General *Smith*, *Southwick*, *Spence*, *Stevenson*, *Supple*, *Taché*, *Terrill*, and *Turcotte*. — (42.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

(685-686)

YEAS.

Messieurs *Biggar*, *Bowes*, *Burton*, Attorney General *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chisholm*, *Conger*, *Cook*, *Crawford*, *Crysler*, *Dionne*, *Dostaler*, *Fellowes*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Guévremont*, *Labelle*, *Laporte*, *Larwill*, *Lemieux*, Attorney General *Macdonald*, *Matheson*, *Mongenaïs*, *Joseph C. Morrison*, *Angus Morrison*, *O'Farrell*, *Polette*, *Poulin*, *Roblin*, Solicitor General *Ross*, *James Ross*, Solicitor General *Smith*, *Southwick*, *Spence*, *Stevenson*, *Supple*, *Taché*, *Terrill*, and *Turcotte*. — (42.)

(686)

NAYS.

Messieurs *Aikins*, *Bellingham*, *Brown*, *Christie*, *Charles Daoust*, *Darche*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Foley*, *Frazer*, *Gamble*, *Hartman*, *Holton*, *Jobin*, *Laberge*, *John S. Macdonald*, *Roderick McDonald*, *Papin*, *Patrick*, *Powell*, *Prévost*, *Rankin*, *Rhodes*, *Valois*, and *Wilson*. — (25.)

So it was resolved in the Affirmative.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Roblin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

MR. BROWN moved the orders of the day for the purpose of resuming the debate on the report of the Committee in his case.⁶

MR. FERRES hoped they would proceed with the notices of motion till six o'clock, as it would be the most convenient time for doing so.⁷

MR. J.S. MACDONALD thought that in justice to the hon. member for Lambton the discussion, on the above subject, ought now to be continued. An arrangement had been entered into that it should be proceeded with first in [the] orders of the day to-day, and now the Government did not seem to have any disposition to proceed.⁸ The House ought at once [to] dispose of these grave charges one way or the other.⁹

MR. CONGER hoped they would proceed with the notices of motion till ex [sic] o'clock. It was unfair to deprive the House of this opportunity of proceeding with the notices of motion.¹⁰

MR. RANKIN said there was a suspicion on the minds of some that Government were desirous to put off this question in order to prevent any discussion being come to to-day, and then to-morrow being Government day, prorogation would be made without a decision being come to at all.¹¹ He wished to know if this was the case.¹²

MR. LARWILL said the impression was all the other way. The Government he believed were ready to come to a vote, but there seemed a determination on the part of the Opposition to prevent the question being decided.¹³

MR. BELLINGHAM was also of opinion that the motion on the report of the Penitentiary Committee ought to be proceeded with in justice to the hon. member for Lambton.¹⁴

MR. AT. GEN. J.A. MACDONALD assured the house that there was no intention on the part of the Government to put off the matter without a decision.¹⁵ When the question came up on Friday night, the hon. member for Lambton occupied nearly the whole of the night with a speech in his own defence. He did not blame the hon. gentleman for that; but he certainly should not follow his example, inasmuch as he did not feel it his duty to prove that hon. gentleman guilty. He certainly had no desire to do so, although hon. gentlemen opposite seemed to think it was his desire to do so. He should go into the subject shortly. In justice to himself he should speak to some of the remarks made by the hon. gentleman. But he wanted to point out to the hon. member for Glengary that the House is very thin, as it always is on Monday at this time. He had no doubt the rest of the members would be here this afternoon, and it was due to himself that those who are absent should have an opportunity to be present to hear his reply to the speech of the hon. member for Lambton. If they went into it now, they could not have a decision before six o'clock. Let them go into it at half-past seven o'clock. He would not occupy the House any time; he might speak for an hour or so, but not more, and there was no fear that the question would be put off till another day. He being the accuser, it was due to himself to enter somewhat into the details of the circumstances connected with the charges, and reiterate the position in which he stood in regard to this question, and leave the House to decide altogether upon the merits of the case. He would not use one single argument with a view to prove the hon. member for Lambton guilty.¹⁶

MR. BROWN said the hon. Attorney General should have spoken first that he might have had an opportunity to reply, and as the hon. members for Prince Edward and for Brome intended to speak he would have to reply to them if there was anything said worthy of reply. It was not possible he thought if they commenced at half past seven o'clock to come to a decision to-night. The Attorney General said a number of members were absent, but there are double the number of members present at this moment than there was at any time he [Mr. Brown] spoke. He thought this matter should be proceeded with at once — for if it is not finished to-day it might not be this session.¹⁷

MR. FERRES was sorry to see the extreme heat of the hon. member for Glengary upon this occasion. There was nothing wrong in his (Mr. Ferres) moving that the notices of motion should be taken up. There are a great many notices on the paper which it was important should be gone into.¹⁸

MR. SOL. GEN. H. SMITH said there were several private bills which should be proceeded with. It was absolutely necessary that these bills should be sent to the private bill committee, and if the House proceeded with these till six o'clock, they could take up that other motion at half-past seven o'clock.¹⁹

SIR A. MACNAB said he was not in the House when this discussion commenced, but he did think that the hon. member for Lambton had a perfect right to claim that this question be taken up at once. He did not think this question should be postponed, as it was the right of every member of this House to express what he felt in reference to it. He thought therefore as an understanding had been come to on this question, he thought the hon. gentleman had a right to claim that the House proceed at once.²⁰

MR. POST. GEN. SPENCE said with regard to what had fallen from the hon. and gallant Knight, there was nothing to show that any member on this side of the House was desirous to procrastinate. It has been stated that it is the desire of the Government to prevent a decision being come to on this question, but the House must not have heard, or misunderstood [sic] correctly the statements of the Attorney General. He [Mr. Macdonald] said he was ready to go on with the matter, and would time himself so as not to occupy more than an hour. The House was very full when the hon. member for Lambton addressed it. (No, no.) Well, whether full or no, the Attorney General has expressly declared that he is desirous to go on this evening at half past 7 o'clock. Under these circumstances they had a right to claim credit — that this House should be free from the imputation attempted to be put upon it — that they intend to stifle this question. It is not fair to cast such an imputation upon them, because the Attorney General said distinctly that a prorogation would not take place until this question was settled. It was but justice to the Attorney General that the debate should come on this evening, and he thought it beneficial to gentlemen in charge of private measures to have the time between this and 6 o'clock for these measures. He did not think much importance would attach to the statements of hon. gentlemen opposite in regard to their desire to terminate this question, when the Attorney General has expressed himself willing to take up this question this evening and dispose of it.²¹

MR. A. DORION said, if the remarks of the Postmaster General are worth anything, they were in favor of proceeding at once. It seemed to be the opinion of gentlemen on the Ministerial side, that this question would only take a certain number of hours for consideration; but this opinion might be wrong. If it was correct what prejudice could it be to those private members to take up their private measures this evening after this question was disposed of. If the discussion was only to take up two or three hours it would soon be disposed of.²²

MR. TURCOTTE. — It may take up the whole night.²³

MR. A. DORION. — The Attorney General takes credit to himself for a wish to occupy the House but a very short time. If so let the discussion come on at once, as it was due to the hon. member for Lambton it should come up, and private business could be taken up afterwards.²⁴

MR. ROBLIN. — The Ministry did not undertake to say how long members opposite would occupy the House.²⁵

MR. PAPIN said hon. gentlemen seemed to consider that it was only necessary that they should have liberty to speak upon this question. They would find, however, that hon. gentlemen on this side of the house would have something to say upon it.²⁶

MR. PATRICK said, actions speak louder than words. If the Government are prepared to go on why don't they go on. The Attorney General says the House is thin. But hon. gentlemen took good care on Friday night to have this House as thin as possible. There are twice as many here at present as were here when the hon. member for Lambton spoke.²⁷

MR. SICOTTE the SPEAKER said before putting the motion, he wished the House to understand that they would go on with the unopposed measures until 6 o'clock.²⁸

MR. HOLTON said it was unfair to the hon. member for Lambton that [t]his question should be postponed until half-past seven o'clock. He would oppose any measure being taken up until that question has been gone into.²⁹

After some further remarks, the motion that the orders of the day be proceeded with was negatived³⁰.

(686)

Mr. *Brown* moved, seconded by the Honorable *John Sandfield Macdonald*, and the Question being put, That the Orders of the day be now read; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bellingham, Brown, Bureau, Chisholm, Darche, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Gamble, Holton, Huot, Jobin, Laberge, Lumsden, John S. Macdonald, Roderick McDonald, Sir A.N. MacNab, Marchildon, Matheson, Munro, Murney, Papin, Patrick, Powell, Rankin, Rhodes, James Ross, Southwick, Valois, Wilson, and Wright.* — (34.)

NAYS.

Messieurs *Alleyn, Bowes, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Church, Conger, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Drummond, Dufresne, Fellowes, Ferres, Thomas Fortier, Octave C. Fortier, Gill, Guévremont, Laporte, Lemieux, McCann, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Poulin, Pouliot, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Supple, Terrill, and Turcotte.*

— (42.)

So it passed in the Negative.

The House then proceeded to the notices of motion.³¹

MR. WILSON moved for a Select Committee, to inquire whether any and which of the members of the Admin[i]stration directly or indirectly hold any office of emolument, or receive any emolument from the Grand Trunk Railway Company; or directly or indirectly receive any emolument from that Company, or from any of its contractors; and whether any of the said members of the Administration by themselves, or their partners, act as Counsel or Solicitors for the said company or any of its contractors; and whether the position held by any members of the Administration in the said company conflict with the interests of this Province; the said committee to consist of Mr. James Smith, Mr. Murney, Mr. Bell, Mr. A.A. Dorion, and the mover, with power to send for persons and papers.³² In making this motion, the hon. gentleman referred to the present Attorney General East, who held the offices of director and shareholder and solicitor for this company; and maintained that any person holding such offices, could not act justly in his different capacities. He also referred to the appointment held by that hon. gentleman on the railway commission, and expressed the belief that the former statement made by that hon. gentleman that he was not a paid solicitor, would not satisfy the House. He hoped the Government would not oppose the resolution.³³

MR. AT. GEN. J.A. MACDONALD said it was quite impossible at this late period of the Session, that such a committee could properly go through with its business. What good purpose could result from the striking of such a committee now? He thought the intimate connection between the Government and the Company prejudicial to both, and hoped that in that respect a change would take place shortly. But in the meanwhile, they could not do anything in the matter by striking such a committee.³⁴ [He] called on the hon. member for London to withdraw [the motion].³⁵

MR. J.S. MACDONALD hoped the motion would be pressed.³⁶ The duties of this committee as stated in the resolution, were very simple, and the questions proposed just as easily answered as framed.

The information desired could only be obtained in this way, and when the committee reported, it was of course optional with the House to receive or reject that report.³⁷ The name of Mr. Cartier had appeared originally in the prospectus as solicitor to the company, and some explanation of the subject was necessary. It was right, too, that ... the country should know how much money the members of the Government had received from the company.³⁸

MR. RANKIN hoped the hon. gentleman would withdraw his motion as no good could result from it at this late period of the Session.³⁹

MR. BROWN thought a committee would be exceedingly useful in examining the connection between the Government and the Grand Trunk⁴⁰. [He] could not see the difficulties spoken of by the Attorney General. If they did nothing more than appoint the committee, it would, he thought, be desirable, as a declaration of the sense of the House that the connection between the Government and the Company should cease.⁴¹

MR. SOL. GEN. D. ROSS would move as an amendment that the committee consist of seven instead of five members, to be named by the house.⁴² All the gentlemen named in the committee were from the Opposition.⁴³

MR. J.S. MACDONALD said they had no objections to increasing the number, provided the committee was granted.⁴⁴

After some further discussion the amendment was agreed to.⁴⁵

(687)

Mr. *Wilson* moved, seconded by Mr. *Papin*, and the Question being proposed, That a Select Committee be appointed to inquire whether any and which of the Members of the Administration directly or indirectly hold any office of emolument, or receive any emolument from the Grand Trunk Railway Company; or directly or indirectly receive any emolument from that Company, or from any of its Contractors; and whether any of the said Members of the Administration by themselves, or their partners, act as Counsel or Solicitors for the said Company or any of its Contractors; and whether the position held by any Members of the Administration in the said Company conflict with the interests of this Province; the said Committee to consist of Mr. *James Smith*, Mr. *Murney*, Mr. *Bell*, Mr. *Antoine Aimé Dorion*, and the mover, with power to report thereon with all convenient speed, and to send for persons, papers, and records;

On motion of Mr. Solicitor General *Ross*, seconded by the Honorable Mr. *Lemieux*, the Question was amended by leaving out the words "consist of Mr. *James Smith*, Mr. *Murney*, Mr. *Bell*, Mr. *Antoine Aimé Dorion*, and the mover" and inserting the words "be composed of seven Members to be named by this House" inserted instead thereof.

Then the main Question, so amended, being put;

Resolved, That a Select Committee be appointed to inquire whether any and which of the Members of the Administration directly or indirectly hold any office of emolument, or receive any emolument from the Grand Trunk Railway Company; or directly or indirectly receive any emolument from that Company, or from any of its Contractors; and whether any of the said Members of the Administration by themselves, or their partners, act as Counsel or Solicitors for the said Company or any of its Contractors; and whether the position held by any Members of the Administration in the said Company conflict with the interests of this Province; the said Committee to be composed of seven Members to be named by this House; with power to report thereon with all convenient speed, and to send for persons, papers, and records.

Ordered, That Mr. *Wilson*, Mr. *Polette*, Mr. *Alleyn*, the Honorable *John Sandfield Macdonald*, Mr. *Angus Morrison*, Mr. *Papin*, and Mr. *Stevenson*, do compose the said Committee.

Mr. *Hartman* moved, seconded by the Honorable *John Sandfield Macdonald*, and the Question being put, That the Entry in the Journals of this House, of the 9th day of May, 1855, containing the Report of the Select Committee to which was referred the Petition of *Donald Cameron*, of

Thorah, be now read; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bellingham, Biggar, Brown, Bureau, Burton, Conger, Cook, Charles Daoust, Darche, Delong, Jean B.E. Dorion, Antoine A. Dorion, Foley, Frazer, Hartman, Holton, Huot, Jobin, Laporte, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Angus Morrison, Munro, O'Farrell, Papin, Patrick, Powell, Prévost, Rankin, Scatcherd, Somerville, Turcotte, and Wright.* — (36.)

(687-688)

NAYS.

Messieurs *Bell, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Crawford, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Laberge, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, Sir A.N. MacNab, McCann, Mongenais, Poulin, Pouliot, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, Stevenson, Supple, Taché, Terrill, and Yeilding.* — (40.)

So it passed in the Negative.⁴⁶

In the absence of Mr. Masson, MR. POWELL moved the following resolution: — 1. That the permanence of the Seat of Government ought to be a Ministerial measure. 2. That the Administration by declining to make it a Ministerial measure have ceased to enjoy the confidence of this House. The hon. gentleman maintained that this was a question on which the government ought to have been peculiarly united.⁴⁷

MR. SOL. GEN. H. SMITH thought the hon. member ought to be the very last man to bring forward the motion, as it was upon his motion, he being a member for Upper Canada, that the Seat of Government was settled at Quebec, against the will and vote of the Government⁴⁸; and by so doing, he of course, voted for the appropriation. This notice had been given before the principle of permanency had been affirmed, or the appropriation voted. It was therefore out of order.⁴⁹

MR. J.S. MACDONALD entered into a statement of the wretched policy pursued by the Government respecting this question. He contended that it was peculiarly a Government question, and as such, he was very glad the hon. member for Soulanges had placed these resolution[s] on the notice-paper. In voting that the Seat of Government should be fixed in Quebec, he did not do so, because of its fitness for a Seat of Government; but in order to put an end to the perambulating system; for if Quebec were not voted on that occasion, he felt that their only alternative would be to return to the perambulating system. He should like very much to know what the hon. member for Niagara communicated to his constituents, the other day, respecting this matter. He (Mr. McD.) believed that that hon. gentleman must have told his constituents (if, indeed, he told them aught about it,) that the Seat of Government would never be fixed in Quebec; and he was quite prepared to agree with the hon. gentleman so far.⁵⁰ The difficulty in this matter had been occasioned by the double majority principle not being carried out. He wished to know when the Attorney General West was to bring forward the motion on the subject, of which he had given notice.⁵¹ The hon. gentleman (Mr. [J.S.] Macdonald,) strongly denounced the system pursued by the present Government of imposing their measures on Upper Canada by Lower Canada majorities; and their desperate attempts to retain their seats by the most unprincipled means. It was, he said, a lamentable condition in which they were placed on all those great questions before the country. He should like to hear a full and fair expression of the opinions of hon. gentlemen in that House respecting the double majority system.⁵²

MR. MONGENAIIS moved in amendment, that the motion be not proceeded with, but that the notice be discharged from the regular list of notices of motion.⁵³

MR. WILSON thought that a contemptible farce had for some time past been performed by the Ministry, with reference to the double majority system.⁵⁴ Our system would never properly work, so long as this jarring was kept up about Upper Canada and Lower Canada, and double majorities and single majorities. The evil that now existed from the single majority principle of Lower Canada having more than its due influence in the legislation of the country, would soon cure itself. The difficulty arose from the Government being weak and corrupt enough to truckle to every little set in the house who chose to band together for the purpose of attaining some object.⁵⁵ He condemned those gentlemen of the Administration who resigned office when Upper Canada declared a majority against them, and again took office, and held office, notwithstanding that they were opposed throughout by a majority from Upper Canada. He cordially subscribed to the question before the House. The Government should have come down to the House and proposed a definite place, and then walked out if they were beaten, and let the country decide where it should be. If he was desirous for a dissolution of the present Union, he would have voted that the Seat of Government should be permanently fixed at Quebec, but as he desired that the Union should last, he would say put the Seat of Government in the centre of the Province, where it should be established.⁵⁶

MR. BROWN also alluded to the remarks of the hon. member for Glengary on the double majority principle. His hon. friend did not observe sufficiently the distinction between saying that the legislation of the whole Province should be carried on by a majority of the whole representatives, and saying that it was either expedient or tolerable that a Government should go on carrying measures for one section of the Province with a majority from the other. He believed that the Government of the country could not be carried on, on the system pursued by the present Administration, who, day after day, had been systematically carrying Upper Canada measures with Upper Canadian majorities against them. (Hear, hear.) The people of Upper Canada would not long tolerate such a system, and if legislation was forced on them against their will by Lower Canadian majorities, a Dissolution of the Union would ere long be inevitable. With regard to the motion now before the house, he was glad it had come up to-day, although somewhat unexpectedly, as it afforded an opportunity of obtaining from the house an expression of opinion as to the expediency of carrying the Seat of Government permanently to Quebec, at the extreme end of Lower Canada. (Hear, hear.)⁵⁷ If the proposed measure were carried out, it would hasten a dissolution of the Union. He was convinced that the people of the Upper Province would not consent to go to Quebec for legislation. He would, therefore, move in amendment that it is inexpedient to grant £50,000 for the construction of buildings for a permanent Seat of Government at Quebec.⁵⁸

MR. SICOTTE the SPEAKER ruled that this amendment was out of order, because it would bring under discussion an item in the question of the supplies.⁵⁹

MR. BROWN would amend his motion in order to make it less objectionable, and move that the following words be added to the main motion⁶⁰ — “that it is inexpedient to make any grant this session for the erection of Public Buildings at Quebec as a permanent Seat of Government.” (Hear, hear.)⁶¹

MR. POWELL justified the position he took in the matter before the House. He maintained that the Government as a Government ought to have a policy on this matter.⁶² He was in favour of permanency instead of alternation of Government, and although he thought the selection of Quebec would be injudicious, he would still vote for it in preference to continuing the system of moving from one place to another.⁶³ [He] was prepared to stand or fall by his opinion.⁶⁴

MR. PATRICK asked “why we had a Government.” There was no question which excited greater interest than that of the Seat of Government, and no other deserved better to be made a Cabinet question. It was made a Cabinet question when it had been taken from Lower to Upper Canada before, and nothing could make the Government so weak, if they could be weaker than they are. However, he felt quite cool

on the matter, as he believed that they would not dare permanently to fix the Seat of Government at Quebec⁶⁵, in the face of the expressed opinion of Upper Canada.⁶⁶

SIR A. MACNAB thought that the amendment of his hon. friend the member for Lambton was out of order.⁶⁷

MR. BROWN said that it was and [sic] open question; and that he was not out of order.⁶⁸ The question of appropriation was mixed up necessarily with that of the Seat of Government, and one could not be discussed without the other.⁶⁹

MR. J.S. MACDONALD concurred in the opinion expressed by the hon. member for Lambton.⁷⁰

MR. SOL. GEN. H. SMITH did not agree with the last speaker. He referred to the Speaker to decide the question.⁷¹

MR. AT. GEN. J.A. MACDONALD thought that the member for Lambton's motion was out of order.⁷² The same rule which applied to the hon. member's first amendment applied to this.⁷³

MR. MACKENZIE was of opinion that the amendment was in order, and if the Speaker decided it was not, he would ask to see the rule of the house which decided that it was out of order.⁷⁴ This was a very important question, and members ought to be allowed to express their opinion on the amendment.⁷⁵

After some further discussion,⁷⁶

MR. SICOTTE the SPEAKER said a motion was passed declaring as the opinion of this House that the City of Quebec was the most eligible place for the Seat of Government of Canada; and on that motion it is recommended that suitable buildings be forthwith commenced, for the accommodation of the Legislature and the Government. The present motion is to declare that it is inexpedient to make any grant this Session for public buildings at Quebec, as a permanent Seat of Government. The House in declaring that suitable buildings be forthwith commenced, declared also that means should be voted for the erection of suitable buildings. This motion was to declare that it is isinexpedient [sic] to grant these supplies. As to the other question of order — it must be stated that the House is not in any way bound to adopt the items adopted by the Committee of the House on Supplies. The House may [sic] refuse to grant any of the items, or they may refuse entirely to grant any supplies at all. It would be a dangerous precedent to bring the actions of the House to bear upon any motion, as the motion submitted in advance of its orders, when the resolutions reported from the Committee of Supplies are to be amended. But as the House had already adju[di]cated upon this point, and declared that it was expedient to grant means to commence buildings forthwith, it is out of order to put such a motion. Until that resolution of the House is rescinded, it stands as the opinion as the judgment of the House.⁷⁷

MR. BROWN. — Then I apprehend it may be amended.⁷⁸

MR. ROBINSON did not see what object would be gained by the course the hon. gentleman wished to pursue, because that question would no doubt come before them.⁷⁹

MR. MACKENZIE was clearly of opinion that the Government need not be here at all if they would not take up the great question[s] of the day. They would be much better attending to the business of their departments, instead of leaving it to be done by their clerks — than coming here without taking up the important questions of the day, and contenting themselves with saying that they have no opinion upon such questions. How much more reasonable to take the American system at once, whereby the Heads of Departments advise the Executive and keep their own places at the same time. We depart from that

principle and allow the servants of the country not only to be pensioners and placemen, but allow them as a body to legislate in the Council Chamber, and dictate to us in regard to every thing no matter how important. And when an important question like this comes up, they say, "we have no opinion upon it," yet they vote all one way. If our opinion is to guide the Government, they can learn that opinion, while they are attending to their own business. We witness now and again some of the most ridiculous scenes that can be imagined; but he believed it was all attributable to the system. He did not think, in regard to the question before them, that Upper Canada and Lower Canada should have a permanent Seat of Government — as one they should have electoral governments — for the present system is a mockery, and the very position we are now in shows that it is a mockery, for if there was any point upon which a Government should agree it is surely upon the place where they are to do their business. Have they done so? No! they agree upon nothing. We see accounts now and again of gentlemen being burned in effigy, and such absurd scenes. Well although it was not a pleasing sight yet there was something reasonable in it. Is it fair for men to come forward to the hustings and tell the people at the election that they will carry out their wishes, and upon such an important question as the Seat of Government. They act in despite of the wishes of those who send them here. (Question, question.) Oh yes, it was a very important question, and it would seem the hon. member for Peterboro' is ready to vote. This should be a Ministerial measure, but the fact is our Ministry altogether is a perfect humbug. The best way would be to pass an act to turn every member of the Government out of the House of Assembly, and let them do the business they are paid for, leaving the Assembly free to do the business of the country. Why should these men plan schemes with the patronage in their own hands, and every man auditing his own account. The whole thing was absurd.⁸⁰ [Mr. Mackenzie also said] he was ... in favour of the principle of Representation by Population.⁸¹

MR. BROWN then moved as an amendment that the following words be added to the main motion: That the resolution of the 16th of April, 1856, declaring the expediency of establishing Quebec as the permanent seat of Government be rescinded.⁸²

MR. COM. CR. LANDS CAUCHON rose to a question of order — notice should be given of such a motion.⁸³

SIR A. MACNAB submitted that such an amendment could not be moved without notice.⁸⁴

MR. SICOTTE the SPEAKER. — The practice never has been to require a notice of an amendment. It is not so in the House of Commons. They have no rule in the House of Commons to refuse any amendment of which notice has not been given, for it is very evident that members do not know what particular turn any motion may take, and therefore, it would not facilitate business to require notice of amendment that might be proposed.⁸⁵

SIR A. MACNAB said the decision of this House cannot be rescinded, without being read. It must be read, and then the hon. gentleman must move that it be rescinded, such a course is necessary in order to prevent the House being taken by surprise.⁸⁶

MR. SICOTTE the SPEAKER. — The member has no necessity to do so in moving an amendment.⁸⁷

MR. COM. CR. LANDS CAUCHON. — Do you decide, Mr. Speaker, that the motion is in order.⁸⁸

MR. SICOTTE the SPEAKER. — I have always decided that no notice is required in the case of an amendment. It is not customary in the House of Commons. But they generally conduct the business there so as not to take the House by surprise.⁸⁹

SIR A. MACNAB read from May, to the effect that it was necessary that the motion, should be ready [sic] as a matter of form, and then the resolution to rescind it, moved.⁹⁰

MR. DUFRESNE thought it strange that any member should attempt to set aside a grave decision of the House. He did not know where it would lead to if such things were permitted. He hoped the members would, as an act of justice, maintain that decision come to in a full House, after a call of the House had been made for the special purpose, although he had no doubt that the decision of the Speaker was correct.⁹¹

MR. SOL. GEN. D. ROSS said although the practice had been loose, there was one principle they could not violate. This was one of the instances, where that which could not be done directly, the Speaker allows to be done indirectly.⁹²

MR. SICOTTE the SPEAKER. — The hon. gentleman has no right to comment upon the decision of the chair.⁹³

MR. SOL. GEN. D. ROSS took the liberty of saying so, because the hon. member for Montcalm, — (Chair, chair.)⁹⁴

MR. SICOTTE the SPEAKER. — The hon. member far [sic] Montcalm [Mr. Dufresne], submitted to the decision of the chair, but he urged upon the members of the House not to rescind a decision they had formerly come to.⁹⁵

MR. ROBLIN said he voted against Quebec when the question came up. But he could feel for the position of the hon. member for Glengary and his friends, although he did not feel enough for him to help him out of the difficulty. They gave their vote for Quebec, and they have resorted to every sort of quibble to get out of that position. He understood it all. He would take his chance when the question of appropriation came up to vote as he thought proper.⁹⁶

MR. J. DORION thought that this discussion was going to such a length as would prevent the Penitentiary question being proceeded with at half past seven. He would move that the order[s] of the day be now proceeded with.⁹⁷

MR. AT. GEN. J.A. MACDONALD rose to speak to the question of rescinding the motion.⁹⁸

MR. MACKENZIE said, you have already decided Mr. Speaker, that this motion is regular. If hon. gentlemen can get up here and talk against your decision I may do so at any time.⁹⁹

MR. SICOTTE the SPEAKER had always allowed every member the utmost indulgence.¹⁰⁰

MR. AT. GEN. J.A. MACDONALD said this was a complex question. It was not a motion to rescind, but an amendment to rescind. This was not the practice in England, because, as the hon. and gallant knight has said the original motion must be read before the motion to rescind is put. It was not part of this motion however to read the original motion. (Chair, chair.)¹⁰¹

After some remarks from MR. J.S. MACDONALD,¹⁰²

MR. SICOTTE the SPEAKER said, unless there is a special rule by which the Speaker was to be guided in certain questions he must put whatever amendments are submitted. The proceedings of the House of Commons were the most perfect that could be found — yet even there the Speaker has been forced to put a motion to the House although contrary to his own opinion. There is no rule to prevent this amendment being put.¹⁰³

MR. HOLTON supported the motion for proceeding with the order[s] of the day.¹⁰⁴

The motion was carried and the House proceeded with the orders of the day.¹⁰⁵

(688)

Mr. *Powell* moved, seconded by Mr. *Aikins*, and the Question being proposed, That the permanence of the Seat of Government ought to be a Ministerial measure;

Mr. *Mongenais* moved in amendment to the Question, seconded by Mr. *Labelle*, That all the words after "That" to the end of the Question be left out, and the words "the Notice of Motion 'that the permanence of the Seat of Government ought to be a Ministerial measure' be not proceeded with, but that it be struck off from the List of Notices of Motions" inserted instead thereof;

Mr. *Brown* moved in amendment to the said proposed Amendment, seconded by Mr. *Aikins*, That the words "the Notice of Motion 'that the permanence of the Seat of Government ought to be a Ministerial measure' be not proceeded with, but that it be struck off from the List of Notices of Motions" be left out, and the words "the permanence of the Seat of Government ought to be a Ministerial measure, and that the Resolution of this House of the 16th April, 1856, declaring the expediency of establishing *Quebec* as the permanent Seat of Government be rescinded" inserted instead thereof;

Mr. *Jean Baptiste Eric Dorion* moved, seconded by Mr. *Holton*, and the Question being put, That the Orders of the day be now read; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Biggar, Bureau, Burton, Attorney General Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Crawford, Crysler, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Fellowes, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Huot, Labelle, Laberge, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Marchildon, Matheson, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Prévost, Robinson, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Supple, Taché, Terrill, Thibaudeau, Turcotte, Valois, and Yeilding.* — (69.)

NAYS.

Messieurs *Aikins, Bell, Brown, Christie, Cook, Delong, Foley, Frazer, Freeman, Gamble, Hartman, John S. Macdonald, Roderick McDonald, Mackenzie, Munro, Patrick, Powell, Scatcherd, and Wright.* — (19.)

So it was resolved in the Affirmative.

MR. AT. GEN. CARTIER (in the absence of Mr. Bellingham) moved the third reading of a bill to render operative the Grenville section of the Montreal and Bytown Railway Company.¹⁰⁶

MR. HOLTON ... [said] a few words¹⁰⁷.

The motion was allowed.¹⁰⁸

(689)

A Bill to render operative the *Carillon* and *Grenville* Section of the *Montreal* and *Bytown* Railway, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Bellingham* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill for the protection of Squatters in the Townships of *Lower Canada*, being read;

MR. J. DORION moved the third reading of the Bill¹⁰⁹.

MR. ALLEYN objected to the rule, *in toto*, and wished to have the yeas and nays taken upon it.¹¹⁰

MR. ROBLIN would oppose such an iniquitous measure at every stage, and moved in amendment¹¹¹ that the bill be read a third time this day six months.¹¹²

(689)

Mr. *Jean Baptiste Eric Dorion* moved, seconded by Mr. *Darche*, and the Question being proposed, That the Bill be now read the third time;

Mr. *Roblin* moved in amendment to the Question, seconded by Mr. *Cook*, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Alleyn, Bell, Brown, Burton, Cayley, Chisholm, Christie, Church, Clarke, Conger, Cook, Crawford, Crysler, Delong, Fellowes, Frazer, Freeman, Gamble, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, McCann, Matheson, Angus Morrison, Powell, Robinson, Roblin, Solicitor General Smith, Spence, and Stevenson.* — (32.)

NAYS.

Messieurs *Bureau, Attorney General Cartier, Casault, Cauchon, Chabot, Chapais, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Evanturel, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hartman, Holton, Huot, Labelle, Laberge, LeBoutillier, Lemieux, Marchildon, Merritt, Mongenais, Munro, O'Farrell, Papin, Patrick, Polette, Poulin, Pouliot, Prévost, Solicitor General Ross, Scatcherd, Somerville, Taché, Terrill, Thibaudeau, Turcotte, Valois, and Wright.* — (49.)

So it passed in the Negative.

Then the main Question being put; the House divided: — And it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Six o'clock having struck, the House rose.¹¹³

MR. SICOTTE the SPEAKER ... [took] the chair at eight o'clock.¹¹⁴

MR. J. DORION moved in amendment to the Squatters' Bill, that for the words in the preamble — "that the laws as they at present exist do not provide any protection to the settler" — the following be substituted — "considering that these settlers in several cases have been unjustly deprived of the fruits of their labour without any compensation therefor, and that no one is justified in enriching himself with the labour of another,"¹¹⁵ it is suggested to clear up all doubt respecting the right of the settler respecting the value of his improvements, &c."¹¹⁶

MR. AT. GEN. CARTIER was opposed to the wording of the preamble; he thought the preamble ought to have been so worded as to affirm that by the law of Lower Canada no person was justified in enriching himself at the expense of another. He would therefore suggest that all after the words "labor of another," should be struck out.¹¹⁷

MR. J. DORION consented.¹¹⁸

SIR A. MACNAB opposed the amendment. He was astonished that the Government would permit such a Bill to pass, the effect of which would be that a man squatting on another's land, could hold possession of it, until he received a money equivalent for the improvements he had made.¹¹⁹

MR. FREEMAN objected to the measure, as in reference to law proceedings being taken by the owner for possession, he was not entitled to carry out such proceedings until he had actually paid the full value of the improvements, and cannot deduct from it any amount of the rents and profits¹²⁰ — although those improvements might be of little or no value to the landlord.¹²¹ It was well known that many people were so extravagant in what they called improvements that it would be most unjust to call upon the landlord to pay for them.¹²²

MR. DUFRESNE. — Honorable gentleman [sic] who spoke upon this question had lost sight of a royal proclamation calling upon persons to come and settle in this country. In consequence of this many persons came to Lower Canada and settled in the bush upon the consideration that it was Crown Land. It was not right therefore to eject a man from the property he had acquired and improved by royal proclamation. The bill does not wish the proprietor to pay the money that may have been expended upon any lot but the increased value of that lot by the labor expended upon it. He thought this was fair.¹²³

MR. WILSON said it seemed to him absurd that a person should go upon his lands and put his labor upon them and consequently make him (Mr. Wilson) his debtor, without his consent. They did not recognize that right in Upper Canada. But this principle recognized in the bill is tantamount to that. If the lands had been taken possession of as Crown Lands, it was a most equitable principle that whenever a boundary line has not been properly marked, and a man by mistake or in consequence of an erroneous survey has cleared the lands of another, then he should not be turned off until he has been paid for his improvements. Had the bill recognized that principle simply, he would have voted for it. Or if hon. gentlemen who were versed in French Law — and which he did not profess to be — would state that that was the law in regard to the Seigniories, he would have no objection to vote that it should be carried into the townships.¹²⁴

MR. PROV. SEC. TERRILL said if hon. members knew the position of many persons in the Eastern townships they would agree to the principle of this Bill as well as to its details. He did not wish to occupy the time of the House, but he would state that large grants of land were made in that section of the country, upon the condition that gentlemen obtaining these grants would settle these lands within a certain time. These conditions in many cases were not fulfilled, and parties having been invited to settle upon the waste lands of the Crown, and finding the lands unoccupied, they considered them the lands of the Crown, and consequently they went upon these lands and settled them. When they had made these lands valuable the absentee proprietors came forward and claimed these lands. This Bill imposed no conditions upon these proprietors, at least nothing so odious as the conditions which hon. gentlemen would impose who say, take these lands away from them altogether. It was to be sure exceptional legislation, but this kind of exceptional legislation was pursued in the case of the Clergy Reserves and other important matters. It was a kind of legislation which the hon. and gallant knight had himself taken part in, and therefore he did not think it should be so objected to upon the present occasion.¹²⁵

MR. CHABOT [also spoke.]¹²⁶

MR. ROBINSON thought that the only legal remedy was that if the conditions of the land had not been complied with, the lands should again revert to the Crown. That was the only principle which he considered was right.¹²⁷

MR. CRAWFORD moved in amendment to the first clause to the effect, — Provided always that if the owner of any lot of land on which a squatter shall have established himself, shall be willing to dispose of such lot at the price and value of said lot at the time when such squatter shall have gone upon it, the squatter ought to be compelled to take the land at its value when he went upon it, as if no improvement had been made thereon; and if the squatter refuse[s] to pay the price of the same as appraised by

arbitrators, the said squatter shall be obliged to give up his claim to the land without any compensation for his improvements.¹²⁸

MR. AT. GEN. CARTIER thought that motion was destructive of the principle of the bill, because the proprietor might force the squatter to pay when he was unable to do so, just to get him turned off the lands.¹²⁹

MR. CRAWFORD said his object was to give the squatter the value of his betterment. If the landlord says, he does not wish to pay for the improvements, he may say to the squatter that he may have the land at its value when he went upon it, and before these betterments were made.¹³⁰

MR. COM. CR. LANDS CAUCHON did not see that any hon. gentleman could vote against the amendment. The complaint was that these persons were driven from the land without being paid for their improvements. This motion says they shall not be driven from their lands without being paid for their improvements.¹³¹

MR. A. DORION concurred in the principle of the amendment, but thought that, as in the State of Maine, some check should be made whereby the proprietor should not have the power to turn off the occupier, because he was not at the moment able to pay the value of the land. The price ought to be made a mortgage upon the land, and made payable in two or three annual instalments with interest.¹³²

After some further remarks [Mr. J. Dorion's] amendment was agreed to, and the further consideration of the bill was postponed until to-morrow,¹³³ to allow some other verbal amendments to be made on it.¹³⁴

(689) Mr. *Jean Baptiste Eric Dorion* moved, seconded by Mr. *Darche*, and the Question being put, That the fifth paragraph of the Preamble of the Bill be left out, and the words "Considering that these settlers, in several cases, are being unjustly deprived of the fruits of their labor without any compensation therefor, and that no one is justified in enriching himself by the labor of another; therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly, enacts as follows:" inserted instead thereof; the House divided: — And it was resolved in the Affirmative.

Ordered, That the further consideration of the Bill be postponed until To-morrow.

(690) A Bill to alter and amend the Game Laws of *Upper Canada*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Rankin* do carry the Bill to the Legislative Council, and desire their concurrence.

The House resumed the Debate upon the Amendment which was, on Monday the sixteenth instant, proposed to be made to the proposed Amendment to the Question, That the Report of the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House, be now received; and which Amendment was, That all the words after "That" to the end of the Question be left out, and the words "the evidence adduced before the said Committee completely fails to substantiate any of the charges against Mr. *Brown*" inserted instead thereof; and which Amendment to the said proposed Amendment was, That the words "while Mr. Attorney General *Macdonald* appears to have acted under a firm conviction of the truth of the charges made against Mr. *Brown*, and to have been justified in so doing by all the evidence then within his reach, yet that" be inserted before the words "the evidence."

MR. AT. GEN. J.A. MACDONALD ... stated that he did not intend occupying the attention of the House very long on this subject.... [He] would be as brief in his remarks as he could, consistently with

the magnitude of this subject¹³⁵, as he did not feel called upon to discuss all the statements made by the hon. member for Lambton. The point before the house was whether the report of the committee should be received.¹³⁶ He would first draw the attention of the House to the circumstances of the case, in order that hon. gentlemen might be able to judge for themselves how far the majority committee were justified in laying before the House the report they had done. It would no doubt be in the recollection of the House that in his recent speech on this subject, the hon. member for Lambton spoke in a very casual manner of the subject directly before him.¹³⁷ To this he [Mr. Macdonald] begged now to call back the attention of the house. The hon. member had principally taken up his time with advancing charges against the warden, Mr. Smith, which had been made years ago, [and] which had been decided on by the commissioners in a manner with which the warden was not satisfied¹³⁸. Years ago, Mr. Smith placed in his (Attorney General's) hand, a petition praying redress on account of the partial and disgraceful means which were resorted to by that committee, in order to deprive him of his office. In 1849, in his place in the House he had brought up that petition, but without success; and during the two subsequent years, that petition was renewed with a similar result. In his recent speech,¹³⁹ the hon. member (Mr. Brown) had argued very zealously, strongly, and ably in support of those charges, and he had brought them before the house in such a manner as would be most likely to gain sympathy for himself, and to excite an impression highly unfavourable to the Warden. That was, perhaps, bringing his own case forward in a legitimate way, and he (the Attorney General) did not complain of it; but he did complain, that the hon. member had published in the *Globe*, from time to time, the evidence which was taken before the committee, which was a breach of privilege of Parliament, and also a breach of an arrangement which had been entered into. He also complained that when the report had been printed by the committee, he (the Attorney Gen.) acknowle[d]ged irregularly, but for the general convenience, that the hon. member (Mr. Brown) had made an attack on the chairman and on the proceedings of the committee.¹⁴⁰ To his (the Attorney General's) mind there could be nothing more unjust, for before this evidence was printed it was carefully gone over by him and also by the hon. member for Lambton.¹⁴¹ He (the Attorney General) could not let those charges against the Warden pass without saying something in favour of Mr. Smith, who was a most kind hearted old gentleman, and to whose nature, as every body who knew him was aware, the cruelties imputed were utterly abhorrent. He (the Attorney General) complained that Mr. Smith had not fair play before the Commissioners; that the examination had not been conducted impartially, and that an incomplete report of the evidence had been submitted to the Government. The hon. member [for Lambton] had dwelt with force on the nature of the implements of punishment used by the Warden, and had spoken of them as if they were his invention; but this was not the case. Those instruments, the box, the cats, and the raw hide, had been sanctioned by Inspectors and the Government, and the Commissioners were to be condemned for not mentioning this circumstance in their report. Neither had they stated what was the fact, that he periodically submitted an account of the punishments inflicted, to the inspectors and the government, and that they were not disapproved of by them. The Board of Inspection included men of a high and humane character, who could not be supposed to act in any way but rightly. They included the Hon. Justice Macaulay, Sir A. Pringle, Messrs. Kirkpatrick, Sadleir, Corbett, Gildersleeve, Baker, and others, men of the highest position in and about Kingston, and yet these men had not disapproved of the use of the cat, the raw hides, or of the box, which was an implement adopted from the United States, and used to obviate the necessity of applying the lash. It should be taken into account that the Penitentiary was composed of some 400 or 500 convicts; some of them, as the hon. member had said, more sinned against than sinning, but the majority hardened criminals, who had been several times imprisoned for former offences, and who would break into open revolt if they were not guarded with the greatest care, and kept in order by the strictest discipline. In speaking of the punishments inflicted, the hon. gentleman had made an erroneous statement; he had represented them as all of the cat, raw hide or box; but this was not the fact. It was also called punishment, when a man was confined to his cell, and if a boy got three or four blows over his clothes, with the raw hide, which was only used for that purpose, it was set down as a flogging. It was not true that those punishments were used on the criminals of all ages, and

sexes of whatever character, as it was only in the case of the most hardened criminals that they were resorted to; and the flogging[s] inflicted on unruly boys were only such as they would have received at any public school for the same conduct. On this point he would read to the house some extracts which had not been read by the honourable member for Lambton. (The Attorney General then read extracts from the evidence of Dr. Sampson, Mr. Kirkpatrick, Mr. Hopkirk, Mr. Sheriff Corbett and Major Campbell, in which they stated that the Warden had not within their knowledge been guilty of any cruelty, but that on the contrary, he had not used the due and requisite severity towards the criminals.) He also referred to the case of Narcisse Beauche, whom he said the Warden did not know to be insane, and who was a bad, vicious boy. The case brought against the Warden in this instance had only been substantiated by ex-keeper Robinson, who had been dismissed by the Inspectors and Warden previously for suspicion of larceny. This man had been re-instated by the Commissioners, and subsequently dismissed, by Mr. Smith's successor, for laying the foundation of a wholesale system of robbery, by means of the convicts. He had afterwards been concerned in two burglaries, and was now an inmate of the Penitentiary as a convict. Yet this was the man whose evidence the hon. member had assumed to be true, at a time that he (Robinson) was actuated by ire and indignation against Mr. Smith, whilst the hon. member had not quoted the evidence of Keeper Hooper, a respectable man, and still an officer of the Penitentiary, although his evidence expressly contradicted that given by Robinson. He would not detain the house with going over all the cases, as he had promised to be short; but he would allude to one other charge against the Warden — that of allowing his son, Francis W. Smith, to be appointed as an officer of the institution. Whether it was proper for a father and son to be officers of the same institution, might be doubtful; but one thing was certain, that Mr. Francis Smith was appointed by the proper parties to do so — the Inspectors, who were quite as respectable men as were the Commissioners. And when grave charges were brought against Francis Smith, he was tried by the Inspectors and acquitted. But after he had been acquitted by the proper tribunal, the Commissioners, contrary to every principle of justice, brought him up, tried him over again, and condemned him, as they did the father, with whom it was a foregone conclusion, from the beginning, that he was to be condemned, and got rid of. As to his (Mr. Macdonald's) connection with the matter, he had brought it before Parliament in 1849, at the instance of Mr. Smith, who felt deeply aggrieved by the conduct of the Commission, and had applied in vain to the Government for redress. He moved then for a return of the papers in the case, but was refused, on the ground that the report had not been finally given in. Both the member for Lambton and the member for Compton had stated that those charges would not have been made by him this session, had he not imagined that the books were destroyed by fire. Now he had made those charges in 1849, before the Commissioners had reported at all, and the grounds on which he put them were very nearly identical with the charges he made this session. Mr. Macdonald here read from his speech in 1849, as reported in the *Globe*, in which he charged the Commissioners with injustice towards Mr. Smith, and accused Mr. Brown of falsifying the evidence in taking it down, and that, when it was pointed out, it was with great difficulty he was induced to alter it, and in some cases would not alter it. He maintained that in this speech, as instructed by Mr. Smith, he had spoken of Mr. Brown as the most active member of the Commission, and the person chiefly responsible — and he had a right to do so, when assured by respectable men, like Smith and Hopkirk, that they were ready to swear to what they had stated to him. Mr. Smith, however, gave the Commissioners full credit for being sincere in their desire to do right, and stated that, in the examination of witnesses, he never suffered any injustice except when Mr. Brown was there. When Mr. Brown was not present, he had no difficulty, and no complaint to make of the manner in which the trial went on. What was the course then which was pursued towards Mr. Smith? The member for Lambton stated that the Commission was not appointed to try charges against Mr. Smith, but to make a general enquiry into the conduct of the Penitentiary, and that they were entitled therefore to take what course they thought proper. He admitted that, but how did they proceed? They commenced by putting an advertisement into the papers, calling for evidence. That evidence they received behind Mr. Smith's back, and then they put him distinctly on his trial, Mr. Brown, as Secretary, preparing a book of charges against him, which contained 11 heads and 121 counts,

and the evidence ranged under these, with all the specialty of an indictment, occupying 300 folio pages. Never was a man put more solemnly on his trial; and not only the support of his family, but his reputation, hung upon it. And if a verdict was sent out against him, it was a severer punishment to him than all the floggings he ever gave the convicts in the Penitentiary. Yet the witnesses against him were not brought up in the manner they would have been in a court of justice. He was told, the preliminary evidence taken behind his back would be used against him; and the only indulgence allowed him was to recall and cross-examine those witnesses — men who had already committed themselves, by giving evidence when there was no check on them. He did not believe there was a country in the world, where British law and equity were known, in which such a violation of the first principles of criminal justice had been witnessed. And when he asked that the commssion [sic] should sit with open doors, and that he should be allowed counsel to defend himself, it was refused. There was not even a reporter from the *Globe* present to be a check on the proceedings. That old man had to stand there alone, fighting week after week with Mr. Brown for his character, dearer to him than his life, with only the consciousness of the right to aid him. What a contrast there was in the proceedings before the committee. Although there were two lawyers on it friendly to him, Mr. Wilson and Mr. Sanborn — Mr. Felton also being a lawyer — yet a very few days after the proceedings commenced, Mr. Brown found the necessity of procuring the services of counsel, and brought Mr. O'Reilly from Hamilton.¹⁴² He [Mr. Macdonald] thought he had shewn he was not amenable to the charge of having trumped up charges this session, because he believed the books were destroyed, as he had made those charges on the faith of competent witnesses in 1849. He brought the matter again before Parliament in 1850, but his motion for enquiry was refused on the ground that it was too late in the session.¹⁴³ Both Mr. Brown and Mr. Bristow, however, in the *Globe* and *Pilot*, challenged enquiry, and in the Upper House hon. Mr. Fergusson stated that he also demanded a full enquiry. In 1851, he (Mr. Macdonald) repeated his motion, believing from the assurances of the previous year, that no objection would be made to it. The Government agreed to grant a committee, so much so that Mr. Hincks, a member of that Government, and himself, had settled the names to be put upon it. When he moved it, however, he was surprised by its meeting a strong opposition on the part of Mr. Richards, and his motion was defeated. Why that opposition was offered, had been explained by Mr. Casault, who stated that he had heard Mr. Brown urging Mr. Richards to resist the appointment of a committee, while at the same time the *Globe* and *Pilot* were challenging enquiry. Mr. Smith then, on his advice, gave up his demand for an enquiry. But there was one thing which should be observed, that the Government never approved of the Commissioners' Report. They said it was inexpedient to restore Mr. Smith to the Wardenship, but expressed no opinion as to his guilt, and as the only reparation in their power, allowed him his salary for eighteen months from the time of his suspension till the appointment of his successor. As he had stated before the committee, in making these charges in this house as he did, in the violent way he did, he felt that he had committed a breach of Parliamentary decorum, which he should ever deeply regret. But there were limits to human endurance. And he had been charged in the member for Lambton's paper with the most sordid crimes; and when he made those charges, it was after some of the most violent attacks had been directed, not merely against the administration of which he was a member, but against himself personally; and if he made an excited retort, he must attribute it to the frailty of human nature. But when he was accused by the member for Lambton of having invented those charges on the spot, he had considered that he was bound to show that that was not the case, and that if it had been his duty again to bring the matter forward as a member for Parliament, he would have used very similar language. He complained of the course taken by the hon. member for Lambton in having kept back the written books till the last minute, and of the Commissioners for the manner in which the printed report had been prepared. He said it was false to say that that report was a digest. It was a number of garbled extracts of the real evidence given, and that which was favourable to the Warden was left out, and of course when the witnesses were asked "did they swear so and so," before the Committee, they said they did not — meaning that they did not swear to those garbled and mutilated extracts from their evidence. He referred to the parts omitted in the evidence of convict McNair, and said that

Mr. Brown was individually responsible for them, as he had directed the omissions in his own handwriting, and had not got the assent of the other Commissioners until afterwards. The omissions were most material, as it was on the evidence extracted in the printed report that the Commissioners were represented as having found the Warden guilty of bribing witnesses, by giving extra rations, although it was perfectly explained in this man's cross-examination that his rations were not given to him by Mr. Smith or his son, but by the other criminals. — Having persuaded on Government in this way that the Warden had bribed the witnesses and that the evidence brought forward to clear him was not worth anything, the Commissioners then went on to the other charges. The Attorney General then referred to the omissions in the evidence of convict Henry Smith, in reference to beer having got by him by order of Mr. Smith, and said that in what had been omitted it appeared that the only evidence which was against Mr. Smith was hearsay. The hon. gentleman said that this was proved by other witnesses, but supposing it was, this was no excuse for omitting this part of Mr. Navi's [sic] evidence. The third charge in which there is an omission, the hon. member had said was in the handwriting of Mr. Bristow, and it was, but still Mr. Brown was responsible for it, as he was Secretary to the Commission. This was the charge against a very respectable man of having sent a quantity of wine to the Penitentiary, which was not according to contract. On this point McCarthy's evidence was contradicted by Mr. Mackleston, yet that contradiction was left out, and although the clerk and architect were cognisant of the whole transaction neither of them were examined in the Warden's behalf. The fifth case of omission was that of Mr. Hopkirk. In explanation of this he must tell the house that there had been a controversy as to whether the Penitentiary should be built by convict or contract labour, and Mr. Coversdale [sic] swore that contract was cheaper than convict labour by 30 per cent. To meet this Mr. Horsley was called up, and his evidence, as put in the printed report, was, that there was 25 per cent in favour of contract labour, but that the convict work would be better. This, however, in the written report, was to the effect that convict labour was as cheap and actually 25 per cent better. Mr. Smith was also found guilty of cruelty and starvation of convicts, and on this subject it was most important that the evidence of the witnesses should be given in full. But it was not. All the evidence which was taken from Mr. Hopkirk was that he had seen the convicts and believed them to be well fed and the food to be good. Mr. W. Kirkpatrick went much farther, and as the written report had said that he had constantly seen the food served out at breakfast and dinner, and believed it of a sufficient capacity, and that the convicts were rather too well fed. It was on such evidence as this that Mr. Smith had been convicted, and that gentleman certainly at the time never imagined that the evidence had been reported in such a shape to the Government. The Commissioners were not a court without appeal. They were only a committee of inquiry, and as such they had a right to report the evidence in full. He (the Attorney General) would now call the members of the house to the case of Charlotte Reveille, whose insanity was that of will, a sort of madness which impelled to every sort of violence and crime, which rendered restraint and punishment necessary. He said that her insanity was similar to that of John Sadleir. The Warden was charged with having goaded this woman to insanity, and Mrs. Chase, the matron, under whose charge the convict was, was called to prove it. One of the tricks which this woman had learned was to pretend her leg was lamed by the box, and it was in evidence that she had learned this from another convict. — In the printed report these words were left out in Mrs. Chase's evidence, "Witness is sure that witness is not mad," although this witness was brought up for the very purpose of proving that Reveille was mad. It was also omitted that the convict had asked for Mr[s]. Smith, and said she wished she was there, and that Mr. Smith was back again, and these omissions were only explained by Mr. Bristow saying, that this woman's (Chase's) evidence was full of contradictions. All this was left out by the instructions of Mr. Brown, although it fully disproved the charge of ill treatment against Mr. Smith, and the fact of the insanity of Reveille which was before the Commissioners. These were the cases proved before the committee. Had the search been continued, he believed he could have found fifty. But one case of falsification clear[ly] proved was sufficient. Another point was Dr. Sampson's letter, of which Mr. Brown had produced a copy, stating that it was a copy of the whole letter, and that he had taken it from the original, while he had never seen the original, which was in the Warden's pocket,

but had made the copy from the rough draft in Dr. Sampson's letter-book, and only copied part of it. Mr. Brown stated that the part omitted was not material, but it was his duty to have served upon the Warden a full copy. Mr. Hopkirk, in regard to this matter, had given evidence which bore out that of Mr. Smith. If these two witnesses were to be believed, Mr. Brown copied half a letter, and stated he had copied the whole. Mr. Hopkirk also stated before the committee that on one occasion Mr. Brown read a previous part of his evidence, saying he had read the very words, while the fact was that the evidence was not as Mr. Brown had read it, and Mr. Brown excused himself by saying the meaning was the same. Mr. Hopkirk stated then that on that occasion Mr. Brown quoted his evidence falsely. He contended that by the statements made to him by Mr. Smith and Mr. Hopkirk, he had been justified in charging Mr. Brown with falsification of evidence. As to the subornation of perjury, he read the evidence of Mr. Smith, who stated that five guards and keepers, previously dismissed, gave evidence against him, and were restored. Of these five, one was now a convict in the Penitentiary, two had been again dismissed, and only two now remained. On the other hand, 13 officers who gave evidence in favour of Mr. Smith had been dismissed. Was it not evident that undue influence was used to procure evidence? And if that undue influence was used upon the officers, was it not likely to be used with the convicts, men much more susceptible to it from their previous habits? Two forgers and a murderer gave evidence against the Warden, and were recommended for pardon by the Commissioners. If they were not immediately pardoned, it should be remembered that the active inducement was promise of pardon. He would call the attention of the house to the case of De Blois,¹⁴⁴ one of those parties who was pardoned,¹⁴⁵ [who] gave most conclusive and fearful testimony against the Warden. The petition in his favour was got up after the Commiss[i]on had sat. Now suppose that man had got an inducement to get up a petition on certain conditions, would it not be very easy to send a petition down to Montreal to be signed? On the very day he came out, he said that he had been promised to be pardoned, yet so bad a man was he, that the judge at Montreal had sent up two solemn protests against his being pardoned. The petition came down in August, and he was examined in September, and then the letter came down to the Commissioners to report on his conduct, when they reported that his conduct was very good, but that they had avoided bringing his conduct under the notice of the Government, in order to avoid misconstruction. In the meantime, convict Henry Smith, and Guard Keany, had sworn that he had told them that he was promised pardon; but with this before them, the Commissioners had not ventured to ask De Blois himself had he been promised pardon. The object was to keep De Blois under lock and key until he had given evidence against the Warden; for if he had been pardoned in the meanwhile, he would have been a free man, and have no inducement to give evidence against the Warden. The hon. gentleman then apologized to the house for having trespassed on them so long; it was not necessary to go further into the report of the majority, which was¹⁴⁶ sufficiently strong and fully borne out by the evidence he had first cited.¹⁴⁷ It was not necessary to allude to Mr. Felton's report which acquitted Mr. Brown of the charges against him. So did the report of the majority, which was a special verdict¹⁴⁸. What he desired to impress on the minds of hon. gentlemen was that these charges made by him were not then got up for the first time and that he was fully justified in making them. The matter was of no great consequence to himself, personally, because, as he had before stated, he had no desire to press it further than was necessary for his own justification. (Loud applause.)¹⁴⁹

SIR A. MACNAB, at twenty minutes to one, moved that the house do now adjourn.¹⁵⁰

MR. BROWN said the Attorney General had delivered a speech, full of gross mis-statements, and he felt it due to himself that he should have the earliest opportunity of replying to them, and showing how utterly imaginary were the statements put before the house by the Attorney General. He hoped the debate would be resumed to-morrow morning, and finally disposed of.¹⁵¹

The members of the Opposition urged that it should be arranged that the debate should be resumed [tomorrow]¹⁵².

The Government objected, however, ... and named Thursday at 12 as the time for resuming the discussion.¹⁵³

After some discussion, it was agreed that the debate should be resumed on Thursday, at twelve o'clock.¹⁵⁴

(690) | On motion of the Honorable Sir *Allan N. MacNab*, seconded by Mr. *Stevenson*,
The House adjourned.¹⁵⁵

Footnotes

1. *Toronto Daily Leader*, 24 June 1856.
2. *Toronto Daily Leader*, 2 July 1856.
3. *Toronto Daily Leader*, 24 June 1856.
4. *Ibid.*
5. *Ibid.*
6. *Telegraph (Montreal Gazette)*, 24 June 1856.
7. *Toronto Daily Leader*, 24 June 1856.
8. *Globe*, 24 June 1856.
9. *Toronto Daily Leader*, 24 June 1856.
10. *Ibid.*
11. *Ibid.*
12. *Globe*, 24 June 1856.
13. *Toronto Daily Leader*, 24 June 1856.
14. *Globe*, 24 June 1856.
15. *Ibid.*
16. *Toronto Daily Leader*, 24 June 1856.
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Toronto Daily Leader*, 24 June 1856. *Globe*, 24 June 1856, reports a short commentary regarding this discussion.
31. *Toronto Daily Leader*, 24 June 1856.
32. *Globe*, 24 June 1856.
33. *Hamilton Spectator Semi-Weekly*, 28 June 1856.
34. *Toronto Daily Leader*, 24 June 1856. This paper also reports a short commentary which states the following: "Mr. John A. Macdonald yesterday announced incidentally in the House — what was generally known before — that the Government propose to change the present system of ministerial representation at the Grand Trunk Railway Board. The plan, it is said, involves the dissolution of the whole of the existing Government directorships, and the appointment of an independent officer, to act in the double capacity of Director and Government Auditor. If the Ministry could be supposed to act with a regard to public interests in carrying out any public measure, the proposed scheme might be supposed to be attended with beneficial results. At any rate no worse representation than the present can possibly be established."

35. *Globe*, 24 June 1856.
36. *Ibid.*
37. *Toronto Daily Leader*, 24 June 1856.
38. *Globe*, 24 June 1856.
39. *Toronto Daily Leader*, 24 June 1856.
40. *Globe*, 24 June 1856.
41. *Toronto Daily Leader*, 24 June 1856.
42. *Globe*, 24 June 1856.
43. *Toronto Daily Leader*, 24 June 1856.
44. *Globe*, 24 June 1856.
45. *Globe*, 24 June 1856. *Le Pays*, 1 July 1856, reports a short commentary regarding the appointment of this Committee.
46. *Globe*, 24 June 1856, reports that Mr. Hartman made this motion "in the absence of Mr. James Smith". Furthermore, in a short comment published in *Mackenzie's Weekly Message*, 27 June 1856, Mr. Mackenzie writes the following: "Mr. James Smith gave notice of a motion on Cameron's behalf on the 10th of April last. It has ever since remained upon the paper, but either Mr. Smith has been always away when it was called up, or it has been passed over by him. The Assembly were well disposed, and again the matter came up last Monday — but Mr. Smith was away. Seeing that this was its last chance this session Mr. Hartman moved in it, and the vote was 36 yeas to 40 nays. Mr. S.'s presence, and activity, had he used it, would have easily carried Cameron thro'. I voted yea, but sat silent for fear of doing Cameron more harm than good among our French masters, to whom, like a disobedient slave, I speak my mind very freely."
47. *Toronto Daily Leader*, 24 June 1856.
48. *Globe*, 24 June 1856.
49. *Toronto Daily Leader*, 24 June 1856.
50. *Ibid.*
51. *Globe*, 24 June 1856.
52. *Toronto Daily Leader*, 24 June 1856.
53. *Globe*, 24 June 1856.
54. *Toronto Daily Leader*, 24 June 1856.
55. *Globe*, 24 June 1856.
56. *Toronto Daily Leader*, 24 June 1856.
57. *Globe*, 24 June 1856.
58. *Toronto Daily Leader*, 24 June 1856.
59. *Ibid.*
60. *Ibid.*
61. *Globe*, 24 June 1856.
62. *Toronto Daily Leader*, 24 June 1856.
63. *Globe*, 24 June 1856.
64. *Toronto Daily Leader*, 24 June 1856.
65. *Globe*, 24 June 1856.
66. *Toronto Daily Leader*, 24 June 1856.
67. *Globe*, 24 June 1856.
68. *Toronto Daily Leader*, 24 June 1856.
69. *Globe*, 24 June 1856.
70. *Toronto Daily Leader*, 24 June 1856.
71. *Ibid.*
72. *Ibid.*
73. *Globe*, 24 June 1856. This newspaper mistakenly attributes this statement to Mr. J.S. Macdonald.
74. *Globe*, 24 June 1856.
75. *Toronto Daily Leader*, 24 June 1856.
76. *Globe*, 24 June 1856.
77. *Toronto Daily Leader*, 24 June 1856.
78. *Ibid.*
79. *Ibid.*
80. *Ibid.*
81. *Globe*, 24 June 1856.
82. *Ibid.*
83. *Toronto Daily Leader*, 24 June 1856.

84. *Globe*, 24 June 1856.
85. *Toronto Daily Leader*, 24 June 1856.
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. *Ibid.*
91. *Ibid.*
92. *Ibid.*
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. *Toronto Daily Leader*, 24 June 1856. According to *Globe*, 24 June 1856, Mr. Roblin affirmed that he “would vote against the motion, and against the appropriation at the proper time.”
97. *Globe*, 24 June 1856.
98. *Toronto Daily Leader*, 24 June 1856.
99. *Ibid.*
100. *Ibid.*
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Globe*, 24 June 1856. *Toronto Daily Leader*, 24 June 1856, reports that Mr. Holton “said as it was now near six o’clock he would move that the orders of the day be taken up.” This information appears to be erroneous.
105. *Toronto Daily Leader*, 24 June 1856. Commentaries on this debate are reported in *Hamilton Spectator Semi-Weekly*, 28 June 1856, *Pilot*, 30 June 1856, and *Western Planet*, 30 June 1856.
106. *Globe*, 24 June 1856.
107. *Globe*, 24 June 1856. Telegraph (*Montreal Gazette*, 24 June 1856) reports the following information: “Mr. Holton had received a telegraph from the President of the Company, instructing him to oppose the bill, unless amended.”
108. *Globe*, 24 June 1856.
109. *Ibid.*
110. *Ibid.*
111. *Toronto Daily Leader*, 24 June 1856.
112. *Globe*, 24 June 1856.
113. *Toronto Daily Leader*, 24 June 1856.
114. *Toronto Daily Leader*, 25 June 1856. According to *Globe*, 24 June 1856, “the house resumed at half-past seven”.
115. *Globe*, 24 June 1856.
116. *Toronto Daily Leader*, 25 June 1856.
117. *Ibid.*
118. *Ibid.*
119. *Globe*, 24 June 1856.
120. *Toronto Daily Leader*, 25 June 1856.
121. *Globe*, 24 June 1856.
122. *Toronto Daily Leader*, 25 June 1856.
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. *Globe*, 24 June 1856.
127. *Toronto Daily Leader*, 25 June 1856.
128. *Toronto Daily Leader*, 25 June 1856. *Globe*, 24 June 1856, differs from this source and reports the amendment as follows: “That the squatter could be compelled to give to the owner, if willing to dispose of the land, its full value if no improvements had been made on it — and failing that, that he might be dispossessed, without compensation for betterments — the purchase money to be paid in instalments in one, two, and three years.”
129. *Toronto Daily Leader*, 25 June 1856.
130. *Ibid.*
131. *Toronto Daily Leader*, 25 June 1856. The transcription of this short speech may be incorrect. The last sentence in particular seems to contradict the last clause of the amendment proposed by Mr. Crawford, which states that “if the squatter

refuse[s] to pay the price of the same as appraised by arbitrators, the said squatter shall be obliged to give up his claim to the land without any compensation for his improvements.”

132. *Toronto Daily Leader*, 25 June 1856.
133. *Toronto Daily Leader*, 25 June 1856. *Globe*, 24 June 1856, reports that both the amendments of Mr. J. Dorion and Mr. Crawford were agreed to; according to the *Journals*, however, only Mr. Dorion's amendment was adopted.
134. *Globe*, 24 June 1856.
135. *Toronto Daily Leader*, 27 June 1856. According to the report in *Globe*, 24 June 1856, the debate was resumed by Mr. J.A. Macdonald, “at 9 o'clock”.
136. *Globe*, 24 June 1856.
137. *Toronto Daily Leader*, 27 June 1856.
138. *Globe*, 24 June 1856.
139. *Toronto Daily Leader*, 27 June 1856.
140. *Globe*, 24 June 1856. *Toronto Daily Leader*, 27 June 1856, contains a similar sentence, but it states that Mr. J.A. Macdonald referred to “the hon. member for Compton” [Mr. Sanborn] instead of Mr. Brown.
141. *Toronto Daily Leader*, 27 June 1856.
142. *Globe*, 24 June 1856.
143. *Globe*, 24 June 1856 (in Scrapbook Hansard). This excerpt is taken from the Scrapbook Hansard as the report in the *Globe* contains several illegible words.
144. *Globe*, 24 June 1856.
145. *Toronto Daily Leader*, 27 June 1856.
146. *Globe*, 24 June 1856.
147. *Toronto Daily Leader*, 27 June 1856.
148. *Globe*, 24 June 1856.
149. *Toronto Daily Leader*, 27 June 1856. *Globe*, 24 June 1856, *Toronto Daily Leader*, 24 June 1856, and *Montreal Gazette*, 26 June 1856, all report commentaries on Mr. J.A. Macdonald's speech, in which they note that he spoke for 3½ hours.
150. *Globe*, 24 June 1856.
151. *Ibid.*
152. *Ibid.*
153. *Ibid.*
154. *Ibid.*
155. In a commentary, *Toronto Daily Leader*, 24 June 1856, reports that the House adjourned “at 10 minutes to one o'clock”.

INDEX OF PROPER NAMES

INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, Second Session, for the period covered in this volume, that is 7 June 1856 to 23 June 1856 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages. The punctuation (?) following a page number indicates there is reason to doubt that the member made the speech or moved the motion. The reader is advised to refer to the appropriate footnote in the footnote pages for an explanation.

As explained in the Introduction to this Volume, the subject Index for the entire Volume will be contained in the final part.

PROPER NAMES

A

Aikins, James Cox, 2488, 2515, 2519, 2587, 2802, 2837.

Alleyn, Charles, 2518, 2538, 2540, 2611-2612, 2619, 2702, 2719, 2736, 2746-2747, 2797, 2820, 2831, 2838.

B

Bell, Robert, 2531, 2763.

Bellingham, Sydney, 2487, 2488, 2529, 2576-2577, 2578, 2650-2651, 2712-2713, 2713, 2715, 2729, 2751, 2767, 2797, 2820, 2825, 2828.

Biggar, Herbert, 2667, 2818.

Blanchet, Jean.

Bourassa, François.

Bowes, John George, 2489, 2498, 2499, 2526, 2529, 2607-2608, 2608, 2608-2609, 2610, 2616, 2623, 2644, 2730, 2734, 2748-2750, 2750, 2766, 2767, 2825.

Brodeur, Timothée.

Brown, George, 2457, 2460, 2473, 2476-2477, 2477, 2478, 2478-2479, 2479-2480, 2480, 2481, 2481-2482, 2482, 2487, 2489, 2497, 2498, 2511, 2513, 2516, 2517, 2518, 2527, 2531, 2541, 2542, 2543, 2545, 2546, 2546-2547, 2548, 2549, 2551, 2551-2552, 2566, 2577-2578, 2598, 2598-2599, 2599, 2600, 2603, 2605, 2608, 2611, 2613, 2616, 2617, 2621, 2621-2622, 2622, 2622-2623, 2623-2624, 2624-2625, 2628, 2638, 2641, 2646, 2647, 2647-2648, 2648, 2648-2649, 2649, 2653, 2654, 2661, 2670, 2671, 2682, 2692, 2699, 2706-2707, 2707, 2707-2708, 2712, 2714, 2715, 2739-2740, 2753, 2755, 2771-2772, 2772-2775, 2775, 2775-2779, 2779-2783, 2784-2787, 2787-2793, 2808, 2809, 2811, 2812, 2813, 2827, 2828, 2830, 2831, 2833, 2834, 2835, 2837, 2845.

Bureau, Jacques Olivier, 2533, 2549, 2553, 2585, 2595, 2606, 2626, 2737, 2771.

Burton, Francis H.

C

Cameron, John Hillyard.

Cartier, Georges Étienne, 2457, 2458, 2482, 2496, 2519(?), 2519, 2533(?), 2544, 2546, 2549, 2550, 2556, 2563, 2577, 2602, 2603, 2621, 2622, 2649, 2650, 2651, 2656f, 2667, 2715, 2744, 2761, 2762, 2787(?), 2793, 2798, 2806, 2806(?), 2809, 2810, 2820, 2822, 2837, 2838, 2840.

Casault, Louis Eldemar Napoléon, 2486, 2499, 2531, 2533, 2574, 2647, 2651-2652, 2660f, 2692, 2693, 2694, 2726, 2756.

Cauchon, Joseph Édouard, 2547, 2551, 2586, 2609, 2609-2610, 2613, 2614, 2643, 2652, 2652-2653, 2670, 2671, 2698-2699, 2699, 2702, 2703-2704, 2704, 2705, 2707, 2711, 2712, 2713, 2714, 2715, 2718, 2719, 2728, 2730, 2736, 2743, 2748, 2756, 2806(?), 2835, 2840.

Cayley, William, 2511, 2512, 2513, 2514, 2517, 2518, 2519, 2526, 2530, 2531, 2563-2565, 2565-2566, 2566, 2566-2568, 2568-2570, 2573, 2576, 2578, 2579, 2588, 2643, 2645, 2645-2646, 2646-2647, 2648, 2651, 2711, 2744, 2750, 2751, 2755, 2764, 2765, 2766, 2797, 2800, 2805, 2808, 2811, 2813.

Chabot, Jean, 2466, 2475, 2526, 2531, 2536-2537, 2539, 2544, 2585, 2606, 2613, 2625, 2667, 2671, 2703, 2716, 2770-2771, 2804, 2814, 2839.

Chapais, Jean Charles, 2526, 2529, 2538, 2601, 2649-2650.

Chisholm, George King, 2487, 2532, 2563, 2628, 2642, 2642-2643, 2643, 2664, 2729, 2735, 2798, 2827.

Christie, David, 2519, 2588.

Church, Basil Rorison.

Clarke, William, 2478, 2534, 2576, 2579, 2597, 2599, 2610, 2643, 2732.

Conger, Wilson Seymour, 2710, 2728, 2801, 2812, 2828.

Cook, Ephraim, 2838.

Cooke, Alanson.

Crawford, George, 2499, 2579, 2606, 2639, 2649, 2662, 2729, 2734, 2738, 2754, 2755, 2762, 2763, 2766, 2839-2840, 2840.

Crysler, John Pliny, 2642, 2664, 2798, 2826, 2827.

D

Daly, Thomas Mayne, 2457, 2595.

Daoust, Charles, 2553, 2730, 2821, 2822.

Daoust, Jean Baptiste.

Darche, Noël, 2838, 2840.

Delong, Jesse.

Desaulniers, Louis Léon Lesieur.

DeWitt, Jacob.

Dionne, Benjamin, 2529.

Dorion, Antoine Aimé, 2475-2476, 2488, 2489, 2496, 2514, 2515, 2517, 2551, 2563, 2586(?), 2602, 2626, 2628, 2641, 2647(?), 2651, 2662, 2664, 2692, 2711-2712, 2712, 2719, 2730, 2732, 2761, 2763, 2769-2770, 2771, 2798, 2807-2808, 2808, 2809, 2813, 2814(?), 2819, 2820, 2821, 2829, 2840.

Dorion, Jean Baptiste Éric, 2533, 2548, 2586(?), 2647(?), 2661, 2662, 2666, 2726, 2754, 2763, 2764, 2808, 2814(?), 2818, 2819, 2820, 2836, 2837, 2838, 2840.

Dostaler, Pierre Eustache.

Drummond, Lewis Thomas, 2497, 2518, 2519(?), 2519, 2531, 2533(?), 2534-2535, 2536, 2537, 2538, 2539, 2540, 2542, 2544, 2546, 2549-2550, 2551, 2554, 2602, 2603, 2610, 2611, 2613, 2639, 2640, 2641, 2705, 2716-2717, 2717, 2812, 2819-2820, 2820, 2821.

Dufresne, Joseph, 2665, 2666, 2836, 2839.

E

Egan, John.

Évanturel, François, 2704, 2716.

F

Fellowes (Lyon), George Byron, 2457, 2538, 2544, 2553, 2554, 2555, 2621, 2737, 2738, 2739.

Felton, William Locker Pickmore, 2467-2469, 2469, 2470, 2488, 2489, 2490, 2498, 2498-2499, 2527, 2530, 2542, 2548, 2600, 2601, 2603, 2605, 2609, 2610, 2613, 2614-2615, 2622, 2624, 2649, 2668, 2670, 2688, 2688-2691, 2691, 2693, 2699-2700, 2710, 2715, 2735, 2737, 2742, 2797, 2798, 2806-2807, 2808, 2811, 2819.

Fergusson, Adam Johnston.

Ferres, James Moir, 2458, 2460, 2471, 2474, 2474-2475, 2477, 2480, 2481, 2482, 2526, 2527, 2531, 2542, 2595, 2596, 2597, 2600, 2602, 2606, 2625, 2639, 2648, 2672, 2673, 2706, 2716, 2738, 2827, 2828.

Ferrie, Robert, 2531.

Flint, Billa.

Foley, Michael Hamilton, 2601, 2663, 2669, 2728, 2729, 2766, 2801, 2803, 2804, 2818, 2820.

Fortier, Octave Cyrille, 2619-2620.

Fortier, Thomas, 2693, 2726, 2767, 2771, 2798, 2813, 2814.

Fournier, Charles François.

Frazer, John, 2755, 2766.

Freeman, Samuel Black, 2490, 2530, 2531, 2540, 2542, 2551, 2584, 2601, 2651, 2669, 2728, 2729, 2740, 2762, 2801, 2810, 2839.

G

Galt, Alexander Tilloch, 2578.

Gamble, John William, 2486, 2486-2487, 2487, 2517, 2550, 2550-2551, 2552, 2555, 2585-2586, 2588, 2598, 2637, 2638, 2642, 2643, 2644, 2653, 2654, 2734, 2740, 2743, 2767, 2793, 2822, 2825.

Gill, Ignace, 2661, 2666.

Gould, Joseph.

Guévremont, Jean Baptiste.

H

Hartman, Joseph, 2487, 2496, 2497, 2512, 2526, 2581, 2587, 2607, 2613, 2636, 2639, 2642, 2643, 2661, 2662, 2663, 2705, 2734, 2752, 2755, 2797, 2801, 2804, 2805, 2810, 2811, 2812, 2813, 2814, 2831.

Holton, Luther Hamilton, 2472, 2474, 2486, 2489, 2490, 2497, 2520, 2526, 2530, 2541, 2543, 2554, 2595, 2600, 2601, 2626, 2637, 2639, 2642, 2644, 2661, 2663, 2667, 2670, 2671, 2688, 2693, 2710, 2711, 2712, 2732, 2733, 2740, 2756, 2763, 2803, 2812, 2812-2813, 2813, 2814, 2818, 2827, 2830, 2837.

Huot, Pierre Gabriel.

J

Jackson, George, 2486, 2531, 2620-2621.

Jobin, Joseph Hilarion, 2637, 2661, 2662, 2663, 2698, 2764.

L

Labelle, Pierre, 2534, 2837.

Laberge, Charles Joseph, 2496, 2537, 2548, 2553, 2618-2619, 2650, 2808.

Laporte, Joseph, 2628.

Larwill, Edwin, 2520, 2598, 2828.

LeBoutillier, John.

Lemieux, François Xavier, 2705, 2719, 2728, 2736, 2793, 2810, 2813, 2831.

Loranger, Thomas Jean Jacques, 2543, 2547, 2555, 2580, 2606, 2610, 2611, 2616, 2703, 2716, 2718, 2727.

Lumsden, John MacVeigh.

Lyon (see Fellowes).

M

Macbeth, George.

McCann, Henry Wellesly, 2644.

Macdonald, John Alexander, 2489, 2490, 2496, 2497, 2511, 2514, 2516, 2517, 2520, 2526, 2530, 2532, 2540, 2541, 2542-2543, 2545, 2545-2546, 2552, 2554, 2556, 2563, 2588, 2589, 2598, 2599, 2602, 2612, 2622, 2626, 2628, 2636, 2637, 2640, 2649, 2653, 2654, 2661-2662, 2662, 2663, 2665, 2670-2671, 2671, 2688, 2693, 2700, 2701, 2710, 2713-2714, 2714, 2715, 2717, 2717-2718, 2718, 2719, 2728, 2732, 2733, 2734, 2736, 2737, 2752, 2753, 2756, 2761(?), 2762, 2764, 2765, 2766, 2767, 2775, 2787(?), 2795f, 2808, 2812, 2821, 2826, 2828, 2830, 2834, 2836, 2840-2845.

Macdonald, John Sandfield, 2470-2471, 2471, 2472, 2486, 2488, 2512, 2514, 2520, 2526, 2532, 2535, 2536, 2537, 2538-2539, 2539-2540, 2540, 2543, 2545, 2563, 2568, 2570-2572, 2572-2573, 2573, 2573-2574, 2574-2575, 2579, 2580, 2588, 2595, 2596, 2596-2597, 2597, 2598, 2602, 2603, 2611, 2613, 2615, 2615-2616, 2616, 2637-2638, 2639, 2642, 2652, 2653, 2654, 2662, 2664, 2665, 2671, 2693, 2700-2701, 2701-2702, 2705, 2708, 2709, 2709-2710, 2733, 2734, 2735, 2737, 2742, 2743, 2744, 2750, 2752, 2753, 2756, 2761, 2761(?), 2793, 2801, 2802, 2819, 2820, 2821, 2822, 2827, 2828, 2830, 2830-2831, 2831, 2832, 2834, 2836.

McDonald, Roderick, 2642, 2662, 2664.

Mackenzie, William Lyon, 2496, 2497, 2511, 2512, 2514, 2516, 2516-2517, 2517, 2518, 2550, 2553, 2555, 2580, 2580-2581, 2581, 2626, 2653, 2654, 2665, 2666, 2671, 2708, 2719, 2740, 2752, 2753, 2754, 2755, 2761, 2765, 2800, 2801, 2802, 2804, 2805, 2805-2806, 2806, 2809, 2810, 2811, 2812, 2813, 2822, 2834, 2834-2835, 2836.

MacNab, Allan Napier, 2469, 2470, 2471, 2487, 2563, 2572, 2573, 2575-2576, 2578, 2581, 2582, 2584, 2595, 2598, 2669, 2669-2670, 2670, 2693, 2729, 2734, 2745, 2793, 2800, 2803, 2804, 2810, 2821, 2829, 2834, 2835, 2836, 2838, 2845, 2846.

Marchildon, Thomas, 2519, 2583, 2589, 2626, 2651, 2664, 2702, 2703, 2705, 2706, 2750, 2751, 2807.

Masson, Luc Hyacinthe, 2465, 2470, 2472, 2473, 2478, 2528, 2628, 2639.

Matheson, Donald, 2530.

Mattice, William.

Meagher, John.

Merritt, William Hamilton, 2493, 2512-2513, 2514, 2531, 2532, 2582, 2582-2583, 2601, 2636, 2637, 2638, 2640, 2643, 2645, 2651, 2665, 2667, 2702-2703, 2705, 2747, 2748, 2753, 2761, 2762.

Mongenais, Jean Baptiste, 2798, 2832, 2837.

Morrison, Angus, 2763, 2831.

Morrison, Joseph Curran, 2806.

Munro, Henry, 2732.

Murney, Edmund, 2554, 2555, 2579.

N

Niles, William E., 2621.

O

O'Farrell, John, 2536, 2537, 2537-2538, 2617-2618, 2653.

P

Papin, Joseph, 2490, 2519, 2533, 2537, 2538, 2539, 2542, 2543-2544, 2544-2545, 2547, 2548, 2580, 2600, 2606, 2626, 2664, 2705, 2726, 2730, 2734, 2736-2737, 2737, 2829, 2831.

Patrick, William, 2487, 2490, 2511, 2514, 2551, 2554, 2580, 2584-2585, 2611, 2640, 2715, 2718, 2735, 2739, 2740, 2741, 2763, 2813, 2829, 2833-2834.

Polette, Antoine, 2636, 2726, 2818, 2831.

Poulin, Joseph Napoléon, 2534, 2691, 2718, 2822, 2825.

Pouliot, Barthelemi, 2536, 2614.

Powell, William Frederick, 2552, 2552-2553, 2612, 2613, 2618, 2823, 2832, 2833, 2837.

Prévost, Gédéon Mélasippe, 2533, 2607, 2661, 2763, 2819, 2827.

Price, David Edward.

R

Rankin, Arthur, 2553, 2587, 2625, 2653, 2700, 2714, 2729, 2734, 2735, 2737, 2750, 2751, 2752, 2793, 2828, 2831.

Rhodes, William, 2538, 2552, 2553, 2605-2606, 2620, 2693, 2719, 2745, 2745-2746, 2755, 2763.

Robinson, William Benjamin, 2653, 2704-2705, 2707, 2735, 2747, 2802, 2834, 2839.

Roblin, David, 2812, 2821, 2827, 2829, 2836, 2838.

Rolph, John, 2491, 2682, 2691.

Ross, Dunbar, 2486, 2539, 2540, 2693, 2694, 2726, 2761(?), 2787(?), 2809, 2813(?), 2831, 2836.

Ross, James.

S

Sanborn, John Sewell, 2461-2465, 2465, 2465-2466, 2466-2467, 2474, 2477.

Scatcherd, John, 2532, 2584, 2606, 2625, 2706, 2741, 2753, 2820.

Shaw, James.

Sicotte, Louis Victor, 2458, 2465, 2466, 2469, 2470, 2472, 2473, 2477, 2478, 2479, 2480, 2482, 2486, 2487, 2497, 2498, 2499, 2521, 2527, 2528, 2536, 2546, 2548, 2551, 2563, 2582, 2589, 2596, 2597, 2598, 2600, 2603, 2610, 2611, 2613, 2614, 2626, 2638-2639, 2639, 2665, 2671, 2691, 2692, 2694, 2703, 2709, 2710, 2734, 2737, 2745, 2752, 2753, 2756, 2761, 2767, 2771, 2772, 2779, 2784, 2793, 2800, 2805, 2811, 2813, 2830, 2833, 2834, 2835, 2836.

Smith, Henry, 2458, 2460, 2460-2461, 2470, 2471, 2472, 2482, 2486, 2496, 2530, 2532, 2534, 2545, 2556, 2587, 2589, 2599, 2602, 2616-2617, 2617, 2639, 2639-2640, 2640, 2653, 2654, 2664, 2665, 2666, 2668, 2675, 2682, 2688, 2691-2692, 2692, 2693, 2715, 2733, 2735, 2736, 2743, 2761(?), 2764, 2767, 2775, 2783, 2787(?), 2795f, 2800, 2801, 2802, 2803, 2804, 2809, 2813(?), 2814, 2818, 2822, 2826, 2827, 2829, 2832, 2834.

Smith, James, 2598, 2733, 2766, 2801, 2802.

Smith, Sidney.

Somerville, Robert Brown, 2667.

Southwick, George.

Spence, Robert, 2530, 2605, 2611, 2615, 2625, 2626, 2670, 2802, 2803, 2804, 2806, 2829.

Stevenson, David Barker, 2472, 2472-2473, 2473, 2474, 2481, 2482, 2490, 2528, 2531, 2607, 2661, 2666, 2672, 2728, 2763, 2799, 2831, 2845.

Supple, James, 2738, 2741.

T

Taché, Joseph Charles.

Terrill, Timothy Lee, 2762, 2805, 2820, 2839.

Thibaudeau, Joseph Élie, 2489, 2553.

Turcotte, Joseph Édouard, 2537, 2538, 2547, 2551, 2583-2584, 2588, 2596, 2621, 2653, 2667, 2712, 2715, 2716, 2808, 2814, 2829.

V

Valois, Michel François, 2457, 2526, 2698, 2763.

W

Whitney, Hannibal Hodges.

Wilson, John, 2458, 2458-2460, 2460, 2474, 2482, 2488, 2527, 2532, 2547, 2557f, 2586, 2589, 2595-2596, 2597, 2672-2673, 2673-2675, 2675-2682, 2682, 2682-2685, 2685-2688, 2693, 2740, 2762, 2809, 2813, 2814, 2830, 2831, 2833, 2839.

Wright, Amos, 2660, 2767.

Y

Yeilding, Agar.

Young, John.



3 1761 11465301 7